No. 1976.

U.S. Consulate General.
Havana, September 1st 1893.

Mr. Williams
to the
Department of State.

Economic condition of Cuba.

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1 Enclosure.

No. 1976.

U.S. Consulate General.
Havana, September 1st, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to my No. 1974 of the 26th ultimo, reporting the agreement among certain merchants and bankers to admit the bills of the Spanish Bank at par with gold in payment of bills of exchange on foreign countries, I now enclose a paragraph from the Avisador Comercial of yesterday, saying that the bank had stuck up notices over the desks of its paying teller that it would pay out bills against all checks, which bills would be taken by

1/

the

the receiving teller in exchange for gold; but over this teller's desk there was a notice saying that not more than one hundred dollars gold would be paid out per day to any one individual. These bills are now at an incipient discount.

I am, Sir,
Very respectfully,
Your obt. servant,
Robert O. Williams,
Consul General.

1 Enclosure:
No. 1. Slip and translation as stated.

Enclosure No. 1.

With Despatch No. 1976.

H A V A N A , September 1,1893.

Translated by Consul General Williams.

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From EL AVISADOR COMERCIAL of Havana, Aug.31,1893.

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THE SPANISH BANK.

Two notices were hung up to-day over the openings of the paying and receiving tellers,- the one announcing that payments will be made in bills of the bank, which bills will be received by turns at the other opening; but at this other opening the notice says that for the present not more than one hundred dollars in gold will be paid daily to each person in exchange for the bills.

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N.

file

No. 1977

U. S. Consulate General.
Havana, September 1, 1893.

Mr. Williams.
to the Department of State.

Transmitting two copies of Don Pedro Gonsalez Llorente's naturalization.

Enclosures to Library Jan 11/94

No. 1977.

U. S. Consulate-General.
Havana, September 1, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to enclose for the library of the Department, the interesting pamphlet just published by Don Gonsalez Llorente, a distinguished lawyer of this city, in relation to the reforms proposed for this Island by the present Colonial minister of Spain.

I am, sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

3RD ASSISTANT SECRETARY.
SEP 6 1893

Ackn & file.

In. + to Mr. Sh

To Treasury 9/9/93

No 1978.

U.S. Consulate General
Havana, Sept 2, 1893

INDEX BUREAU
RECEIVED
SEP 5 93
DEPT OF STATE

Mr. Williams
to the
Department of State.

Copied 9/9/93

Wreck of Bg "Estella" of Pt Jefferson, from Brunswick Ga, to New York, and rescue of master and crew, nine persons, by S.S. "City of Washington" -

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No 1978

U.S. Consulate General
Havana, Sept 2nd 1893

Hon: Josiah Quincy
Assistant Secretary of State
Washington. D. C.

Sir:

I have to inform the Department, that the Am: S.S. "City of Washington", Joseph Burley, master, brought to this port on the 31st ultimo, the officers and crew, nine persons in all, of the Am: Brig "Estella", of Port Jefferson.

This vessel had sailed on the 26th August, bound to New York from Brunswick, Ga, with a cargo of yellow pine lumber. On the 27th she encountered a hurricane which dismasted her and

left her waterlogged. After two days suffering without water and scanty provisions, the steamship "City of Washington" fell in with the wreck and took off all the seamen and brought them to this port.

The same day I procured passage for them to New York by the S.S. "Saratoga", the amount of which, $125.01.98 will be charged to the Government in the current quarterly account for "Wages and Relief of Seamen".

The names of the rescued seamen are as follows:

Levi Collins, Master,
G. W. Watkins, Mate
Charles Horn. 2d "
Peter Johnson. Steward
Emil Hall, Seaman
John Markuson, "
Ernest A. Olander "
Alex; E. Anderson "

Charles Johnson - Seaman -

I am Sir,
Very respectfully
Your Obt Servant,
Ramm O. Williams,
Consul General.

3RD ASSISTANT SECRETARY.
Granted
SEP 6 1893

this 9/9/93

No 1979.

U. S. Consulate General.
Havana, Sept 2 1893.

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SEP 5 93
DEPT OF STATE

Mr. Williams
to the Department of State.

Application for leave
of absence.

No. 1979.

U. S. Consulate General
Havana, Sept 2 1893.

Hon: Josiah Quincy,
Assistant Secretary of State.
Washington
D. C.

Sir:

I respectfully ask that a leave of absence for thirty days be granted me, with permission to visit the United States, for needed rest and the benefit of my health, and to be made available should an interval occur between the adjournment of the present extra session and the meeting of the regular session of Congress.

My last leave of absence was applied for in dispatch

number 1610, July 2 1892,
and granted to me by instruction
number 726. July 11th, and I
sailed for New York, October 1st
arriving there on the 5th of
October.

I left New York to return
to my post on the 26th of
November, and resumed my
duties here on the 1st December
having passed 52 days in
the United States.

I am, Sir,
Very respectfully
Your Obt servant,
Ramon O. Williams,
Consul General.

To Capt. Peirce
Sep 9-

No. 1980.

U.S. Consulate General.
Havana, September 2d 1893.

Sept. 22 from Pierce Asks to sail Oct. 6 '93

Mr. Williams
to the
Department of State.

Transmitting a diploma and silver medal to Captain John W. Peirce of the american schooner "Kate" of Key West, Fla.

No. 1980.

U.S. Consulate General.
Havana, September 2d, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to enclose for transmission and delivery to captain John W. Pierce of the american schooner "Kate" of Key West, Fla., a diploma and silver medal presented to him by the "Spanish Life Saving Association" of Madrid, and forwarded to this Consulate General by the Admiral of the Spanish West Indian Naval Station, as a recognition of his humane conduct in rescuing the master and two sailors of the Spanish fishing smack "Angelita", found

on

on the 15th of May last in an
open boat about twenty five miles
off Anelote Key, landing them
at Mobile, Ala.

I am, Sir,
Very respectfully,
Your obt. Servant,
Lamon O. Williams,
Colonel General.

Mr. Strobel
Ans 9/12/93

No. 1981.

U.S. Consulate General.
Havana, September 2, 1893.

Mr. Williams
to the
Department of State.

Appraisement of duties on
American plaster.

2 Enclosures.

No. 1981.

U.S. Consulate General.
Havana, September 2d, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the Department's instructions nos 787 of April 27 and 803 of the 17th of May last; as, also, to my despatch no. 1968 of the 18th ultimo enclosing a copy of my communication of the 15th of same asking of the Governor General that this office might be informed of the reason upon which the custom house of Havana bases its appraisement of import duties on American plaster, I now have the honor to enclose for the information of the Department the answer, received on the 26th ultimo, to my

said

said communication.

It will be seen from this answer of the Jefe de la Seccion Central de Hacienda:

First, that the remonstrances presented to the Regional Government by the importers of American plaster against these duties have been submitted for decision to the Colonial minister at Madrid; and that as soon as his decision is known the matter will be settled here accordingly.

And second: It will also be seen from the accompanying copy of the note addressed on the 7th. ultimo by the collector of the Port to the Regional Governor, that these duties have been appraised and the payment in deposit of their respective amounts demanded because the plaster is not included in the copy of the Repertory sent from Madrid and published here for the use

2/

of

of the customs officers of this Island.

And third. That even admitting that plaster has been excluded from the Repertory by error or omission; still it is ~~not~~ within the attributions of the collector to correct the presumed mistake; but that he has done his utmost in favor of the importers by receiving and transmitting their remonstrances for decision to his superior in authority.

I am, Sir,
Very respectfully,
Your obt. servt.
Ramon O. Williams,
Consul General.

2 Enclosures:
No. 1 - Mr. Fontanals to Mr. Williams, Aug. 25
" 2 - Copy of note as stated.

Enclosure No. 2.

With Despatch No. 198.

H A V A N A , September 2, 1893.

Translated by Consul General Williams.

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General Government of the Island of Cuba.

Office of the Secretary.

Central Section of the Treasury.

HAVANA, August 25, 1893.

To the consul general of the United States,

Present.

Sir:

By order of H.E. the Governor General and in reply to your attentive official letters of the 16th of June last and 15th instant against the duties exacted by the custom house of this port, on american plaster imported into this market, I have the honor to inform you that the Regional Government of this Province, in consequence of the appeals presented in regard to this question, has submitted it to H.E. the Minister of the Colonies, whose decision is awaited for its resolution here.

At the same time and for your satisfaction with regard to the subject of your aforesaid letter, I have the honor to accompany a copy of the communication which on the 7th ultimo the collector of the

port addressed the Regional Governor, in which he states the reasons for the exaction of the duties on the merchandise therein mentioned.

May God guard you many years.

FRANCISCO FONTANALS.

Enclosure No. 27

With Despatch No. 1981.

H A V A N A , September 21, 1893.

Copy.

Gobierno General de la Isla de Cuba.

Secretaria General.

Seccion Central de Hacienda.

De orden del Excmo.Sr.Gobernador General y en contestacion á sus atentas cartas oficiales de 16 de Junio último y 15 del actual, contra los derechos que se exigen por la aduana de este puerto, al yeso americano que importa el comercio de esta plaza, tengo el honor de manifestarle que el Gobierno Regional de esta provincia, á consecuencia de las alzadas interpuestas acerca de este particular tiene consultado el caso al Excmo.Sr.Ministro de Ultramar, cuya resolucion se aguarda para poderse resolver este asunto.

Al propio tiempo y en obsequio á lo solicitado por V.S. en su expresada segunda carta, tengo el honor de acompañarle en copia la comunicacion que en 7 de Julio ppdo. dirigió la citada aduana al mencionado Gobernador Regional, en la que se hace constar las razones en que se apoya aquella oficina para exigir los derechos que se trata á aquella mercancia.

Dios guarde á V.S. muchos años.
Habana, 25 de Agosto de 1893.
Signed: Francisco Fontanals.

Sr.Consul Gral. de los Estados Unidos en esta plaza.

Enclosure No. 2.

With Dispatch No.1981.

H A V A N A , September 2nd,1893.

Translated by Consul General Williams.

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Office of the Collector of the Port.

H A V A N A , July 7th,1893.

To His Excellency the Regional Governor.

Excellency:

As the result of the decree of Y.E.endorsed yesterday on the communication addressed to H.E.the Governor General by the Consul General of the United States, complaining in the name of his government against the deposit ordered by the custom house of the duties charged and liquidated onnthe importation of plaster from the United States, I have the honor to report that becauseof the same fact expressed in the second paragraph of the Consul General's communication,that is that plaster is not contained in the new Repertory published in this city ,is why the custom house exacts the payment in deposit of the duties on this article,for though admitting that an error or omission may have occurred in the said

Repertory, still it is not within the attributions of the Collector to correct the error, but he has done his utmost in favor of the importers by admitting their several remonstrances, while exacting the corresponding deposit under paragraph 6 of article 82 of the customs regulations, until the question is settled by his superior in authority. Some importers of the said merchandise solicit the free entry under schedule A, founding their petition on paragraph 5 of the present tariff which classifies cement, lime and gypsum, among other stones and earths; because it contains the note A, on the margin, as free; but the fact must be taken into account that the original repertory that served for the application of the Tariff as well as for the schedules of the Treaty, on transposing plaster to number 5 has no marginal note as observed with the other articles of merchandise embraced in some of the other schedules, and this is the reason why the custom house has refused to admit plaster free under this plea, as solicited by the importers.

The foregoing exposition, accompanied by the aforementioned document, is the report that I have the honor to submit for the effects that Y.E. may deem most proper.

God guard you many years.

Havana, 7th July, 1893.

Juan M. Zabalo.

Collector of the Port.

P:S. Camilo Marin.

Enclosure No. 2.

With Despatch No. 1981.

H A V A N A , September 21, 1893.

Copy.

Gobierno General de la Isla de Cuba.

Secretaria General.

Seccion Central de Hacienda.

Hay un timbre que dice- Administracion de la Aduana de la Habana.- Excmo.Señor: Como resultado del superior decreto de V.E.fecha de ayer consignado en la comunicacion que al Excmo.Sr.Gobernador Gral. dirige el Sr.Consul Gral.de los Estados Unidos de América en esta ciudad, quejándose en nombre de su Gobierno contra el derecho con que esta aduana exige á los importadores de yeso para que depositen la ascendencia de los derechos liquidados á varias hojas donde se declaran dicha mercancia, tengo el honor de informarle que por las mismas razones espuestas en el párrafo 2 de la aludida comunicacion, de que en el nuevo repertorio publicado en esta capital no se halla contenido el yeso, es por lo que esta aduana exije el ingreso á depósito de los derechos liquidados á dicha mercancia puesto que aún admitiendo que se ha sufrido un error ú omision en el citado repertorio, resulta que no siendo de las facultades de esta administracion el subsanarlo, esta

no ha podido hacer mas en obsequio de los Sres.importadores que es admitirles las diferentes alzadas que al efecto se han establecido exigiéndoles el depósito correspondiente con arreglo al párrafo 5 del artículo 82 de las Ordenanzas,hasta tanto por la Superioridad se resuelva aquellas. Algunos importadores de la materia antes citada solicitan se les aplique ó conceda la confiscacion de la tabla A fundándose para ello en que la partida 5 del arancel vigente que tarifa entre otras piedras y tierras,el cemento,cal y yeso,contiene al márgen la nota de A libre; pero debe tenerse en cuenta que en el Repertorio primitivo que sirvió para la aplicacion del arancel y á la vez de las tablas del tratado,al llevar el yeso á la partida 5 no contiene indicacion alguna como se observa con los demas artículos y mercancias que están comprendidas en algunas de las referidas tablas,y este es el fundamento legal que la aduana ha tenido para no hacer la bonificacion solicitada. - Todo lo que con devolucion del antes referido documento tengo el honor de poner en el superior conocimiento de V.E. á los efectos que estime mas acertados.- Dios guarde á V.E.muchos años. Habana,Julio 7 de 1893.- Juan M.Zabalo- Excmo.Sr. Gobernador de esta Region.

Es copia,
P.S. Camilo Marin.

File

3RD ASSISTANT SECRETARY.
File
SEP 12 1893

No. 1982.

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DEPT OF STATE

U.S. Consulate General.
Havana, Sept. 5, 1893.

Mr. Williams
to the
Department of State.

Reporting the arrival of the
new Governor General.

No. 1982.

U.S. Consulate General.
Havana, September 5, 1895.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to inform the Department that yesterday, under the usual forms and ceremonies, General Emilio Calleja entered on his duties as Governor General and Captain General of this Island.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramm O. Williams,
Consul General.

file

No 1983.

U. S. Consulate General
Havana, September 5, 1893.

Mr Williams,
to the
Department of State.

Receipt of circulars.

No. 1983.

U. S. Consulate General.
Havana, September 5, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D. C.

Sir;

I have the honor to acknowledge the receipt of the Department's circulars dated 4th, 7th, 18th and 23rd of August 1893, the requirements of which will be observed.

I am, Sir,
Very respectfully,
Your obedient Servant,
Lamont Gillespie,
Consul General.

No. 1984.

U. S. Consulate General.
Havana, September 6, 1893.

Mr. Williams,
to the
Department of State.

Receipt of circulars.

No. 1984.

U. S. Consulate General.
Havana, September 6, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's circulars dated the 22nd and 24th of August, 1893, the instructions of which will be carried out.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Consul General.

Mr. Strobel.

Ans 9/14/93.

No. 1985.

U.S. Consulate General.
Havana, Sept. 6, 1893.

Mr. Williams
to the
Department of State.

Relating to preserved meats.

1 Enclosure.

No. 1985.

U. S. Consulate General.
Havana, September 6, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir:

Referring to my despatches
Nos. 1886, 1914, 1940 and 1957, and
to the Department's instruction
No. 806. I now beg to enclose the
translation and copy of the
Royal order published on the
1st instant in the official Gazette
of this city in answer to the
question submitted to the
Minister of the Colonies by the
Governor General of this Island
in regard to meats preserved.
in cans from the United States.

From the insertion in
this

this Royal order of the words "when they contain no condiment whatever," the importers here consider that a new condition, contrary to the sense of the repertory signed the 17 of last October at Washington, has been inserted by the Madrid Government, and they apprehend, in consequence, that it will be difficult to continue the importation of this merchandise from the United States, since the preservation of roast and corned beef in cans is always and necessarily practiced with some condiment or seasoning, such as salt, it not being possible to preserve them otherwise in cans. But in this connection I would remark with reference to my despatch no. 1940 of the 20th of July last, conveying copy of the protest made before a notary

notary public of this city against the appraisement of these duties by Messrs. E. Aguilera & C, that these gentlemen tell me, for the first time, to-day, that the attachment therein alluded to was raised on the 22d of the same month, or two days after the date of my said despatch, by order of the collector of the Port; and that they have not paid the said duties. They furthermore tell me that they are now expecting another shipment of 800 cans of these same meats from the United States, when they expect to learn definitively if they are to be admitted hereafter free or subject to duties.

I am, Sir,
Very respectfully,
Your obt. Servant,
Ramon O. Williams
Consul General

Hon

One enclosure:

No. 1 - Translation of Royal order.

Enclosure No.1.

With Despatch No.1985.

H A V A N A , September 6,1893.

Translated by Consul General Williams.

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From THE GAZETTE of Havana, Sept.1,1893.

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The Minister of the Colonies transmits to H.E. the Governor General, under date of the 7th instant and number 1486, the Royal order which herewith follows:

"Excellency:- On examination of the ques-
"tion submitted in reference to the appraise-
"ment of meats preserved in cans, from the
"United States; His Majesty the King (w.G.g.)
"and in his name the Queen Regent of the King-
"dom, has been pleased to direct that they be
"considered as embraced in article 29 of sched-
"ule A, when they contain no condiment (seasoning)
"whatever, being preserved by any of the pro-
"cesses expressed in the said article and
"that in the contrary case they must be ap-
"praised under article 59 of schedule C. The
"same being communicated to Y.E. for your

"information and other necessary purposes".

In compliance with the command of His Excellency, given on the 24th instant, the said Royal order is herewith published in the official Gazette for general information and observance. Havana, 26th August, 1893.

FRANCISCO PONTANALS.

Enclosure No. 1 —
With Despatch No. 1985 —
Habana, September 6, 1893.

GACETA DE LA HABANA

1º de Septiembre de 1893

Por el Ministerio de Ultramar se comunica al Excmo. Sr. Gobernador general, con fecha 7 del corriente y bajo el número 1486, la Real orden que sigue:

«Excmo. Sr.:—Examinada la consulta referente al aforo de carnes conservadas en latas, procedentes de los Estados Unidos; S. M. el Rey (q. D. g.) y en su nombre la Reina Regente del Reino, se ha servido disponer que se consideren comprendidas en el número 29 de la Tabla A, cuando no contengan condimento alguno, estando conservadas por cualquiera de los procedimientos indicados en el referido número y que en el caso contrario deben ser aforadas por el número 59 de la Tabla C.—De Real orden lo digo á V. E. para su conocimiento y demás efectos.»

Y puesto el cúmplase por S. E. con fecha 24 del actual, de su orden se publica en la Gaceta oficial para general conocimiento.

Habana, 26 de Agosto de 1893.—*Francisco Fontanals.*

No. 1986.

Consulate-General, U. S. A.,

Havana, September 6, 1893.

Mr. Williams,

To the Department of State.

Subject:

Supplies

Abstract of Contents.

Receipt of invoices of official supplies for the use of this Consulate General. U. S. A.

No. 1986

Consulate-General, U. S. A.,
Havana, September 6, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the invoices of official supplies dated the 19th inst and 28th of August, 1893, sent to me by the Department of State for the use of this office, with the exception of one ream wanting to complete the four reams of typewriting paper as indicated in invoice of the 19th. August.

I am, Sir,
Very respectfully
Your obedient Servant,
Ramon O. Williams,
Consul General

Dm Strobel
Answd 9/14/93.

No. 1987.

U.S. Consulate General.
Havana, Sept 7, 1893.

Mr. Williams
to the
Department of State.

Transmitting translation of
Royal order relating to turpentine.

1 Enclosure.

No. 1987.

U.S. Consulate General.
Havana, Sept. 7, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir.

I have the honor to enclose for the information of the Department a copy and translation of the Royal order transmitted to the Governor General of this Island, in answer to the protest of Messrs. Rodriguez & Perez - submitted to the Madrid Government, against the appraisement of duties on 300 kilos of turpentine imported from the United States, which they claimed were entitled to free admission under paragraph 6 of Schedule A of the reciprocity agreement,

1/

and

and not chargeable as medicines proprietary or patent or drugs under paragraph 67 of Schedule 2 of the same agreement, as decided by the Collector.

This Royal order reverses the decision of the Collector and sustains the protest of the importers, to which is added the important declaration that the definitive Repertory signed at Washington the 17th of last October is paramount to the Tariff and Repertory sent previous to that date from Madrid for the use of the customs officials of Cuba.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams,
Consul General.

1 Enclosure:
No 1 - Translation of Royal order.

Enclosure No.1.

With Despatch No.1987.

H A V A N A , Sept.7,1893.

Translated by Consul General Williams.

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From THE GAZETTE of Havana, Sept.6,1893.

---------- O --------

The Minister of the Colonies transmits to H.E. the Governor General, under date of the 2nd instant and under number 1437, the following Royal order:

"Excellency: On examination of the pro-
"ceedings commenced by Messrs.Rodriguez & Perez,
"because of the appraisement of duties on 300
"kilos of turpentine, declared under custom
"house entry number 2560, as included in article
"6 of schedule A of the Agreement with the
"United States and which were appraised under
"article 67 of Table D; His Majesty the King
"(w.G.G.) and in his name the Queen Regent of
"the Kingdom, has been pleased to order that the
"Repertory definitively agreed upon with the Go-
"vernment of the United States being posterior to
"the publication of the Tariff and the Repertory
"thereto annexed, we must adhere to it in the

"decision of the present case, appraising the "turpentine according to article 89(of the "Cuban tariff)in conformity with the english text "of the Repertory and its translation made by "the Department of State. The foregoing being "communicated to Y.E.by Royal order for your "information and other effects".

The above is herwith published in the official Gazette for the information of the public, in compliance with the order of His Excellency the Governor General, issued on the 24th instant.

Havana, 30 August, 1893.

FRANCISCO FONTANALS.

Enclosure No. 1.
With Despatch No. 1987
Havana, September 7, 1893.

GACETA DE LA HABANA

6 de Septiembre de 1893

SECCIÓN CENTRAL DE HACIENDA.

Por el Ministerio de Ultramar se comunica al Excmo. Sr. Gobernador general, con fecha 2 del actual y bajo el número 1487, la Real orden siguiente:

«Excmo. Sr.:—Examinado el expediente promovido por los señores Rodriguez y Pérez, sobre aforo de 300 kilos de aguarraz, declarado en la hoja de adeudo número 2560, como comprendidos en el número 6 de la tabla A del Convenio con los Estados Unidos y que fueron aforados como comprendidos en el número 67 de la Tabla D; S. M. el Rey (q. D. g.) y en su nombre la Reina Regente del Reino, se ha servido disponer que siendo el Repertorio definitivo convenido con el Gobierno de los Estados Unidos, posterior á la publicación del Arancel y Repertorio á él unido, á él debemos atenernos para la resolución del presente caso, aforando el aguarraz por la partida 89, de conformidad con el texto inglés del Repertorio y su traducción hecha por el Ministerio de Estado. —De Real orden lo digo á V. E. para su conocimiento y demás efectos.»

Y puesto el cúmplase por S. E. en 24 del corriente, de su orden se publica en la Gaceta para general conocimiento.

Habana, Agosto 30 de 1893.—*Francisco Fontanals.*

Mr. Strobel.

No. 1986.

Consulate-General, U. S. A.,

Habana, Sept 12, 1893.

Mr. Williams

To the Department of State.

Subject:

Preserved meats.

Abstract of Contents.

Transmitting copy and translation of extract of a letter from Messrs. Echevarria & Co of this city.

1 Enclosure.

No. 1988.

Consulate-General, U. S. A.,

Havana, Sept. 12th, 1895

Honorable Josiah Quincy,

Assistant Secretary of State,

Washington, D. C.

Sir:

With reference to the Department's instructions Nos 806 of May 19, and 823 of July 24, last, also to my despatch No. 1985 of the 6th instant, relating to the complaint of Messrs. E. Aguilera & C, against the exaction of import duties on preserved meats in cans free under paragraph 29 of Schedule A of the Reciprocity Agreement, I now beg to enclose an extract, with translation, taken from their letter dated the 6th instant in which they inform this office that the attachment laid on their property for refusal to pay said duties, was raised by order of the Collector of the Port on the 22d of last July. Therefore,

these

these duties were not paid.

I am, Sir,
Very respectfully,
Your obt. Servant,
Ramon O. Williams
Consul General.

1 Enclosure:
No. 1 - Translation of letter as stated.

Enclosure No. 1.

With Despatch No.1988.

H A V A N A , September 12,1893.

Translation.

Havana,6 Sept.,1893.

Ramon O. Williams,Esq.

U.S.Consul General,

Present.

Dear Sir:

On the 22nd of last July the attachment was raised by the custom house which it had imposed on 500 bags of rice belonging to us,because of our refusal to pay duties on 800 cases of meats preserved by extraction of the air,products of and from the United States.

- - - - - -

I am,Dear Sir, etc. etc.

Signed: E.Aguilera and Co.

Enclosure No. 1.

With Despatch No.1988.

H A V A N A ,September 12,1893.

Copy.

Habana,6 de Setbre de1893.

Sr.D.Ramon O.Williams,

Consul General de los Estados Unidos,

Presente.

Muy respetable Sr.mio:

El 22 de Julio fue suspendido el embargo que esta aduana tenia sobre 500 sacos arroz de la propiedad nuestra,los cuales fueron embargados por consecuencia de negarnos nosotros a pagar derechos de importacion sobre 800 cajas carnes conservadas por extraccion del aire,producto y procedencia de los Estados Unidos de America.

- -n - - - -

Soy de Vñ etc. etc.

Signed: E.Aguilera y Ca.

file

No. 1989

Consulate-General, U. S. A.,

Havana Sept 12 1893.

Mr. Williams

To the Department of State.

Subject:

Return of fees collected for Bills of Health.

Abstract of Contents.

Said fees have all been returned,
as shown in the Quarterly accounts,

No. 1989.

Consulate-General, U. S. A.,

Havana, Sept. 13th, 1893.

Honorable Josiah Quincy,

Assistant Secretary of State,

Washington, D. C.

Sir:

Referring to the Department's instruction number 817, dated July 12th last, respecting the collection by this office of fees for the issue of duplicate bills of health to American vessels, under Department's circular of May 10th last, I have now to inform the Department, that in accordance with said instruction No. 817, the fees collected for said services have been returned to the masters or consignees here of the vessels as representatives of their owners, and due receipt taken therefor.

The amount of such fees, $70 — seventy dollars, received from June

yr to June 30th, has been deducted from report of fees in account current for quarter ending June 30th last, and the amount received from July 1st to 19th, - date of receipt of the Department's said instruction no. 817 - fifty dollars, will be deducted from report of fees in accounts for this current quarter.

Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

file

No. 1990.

Consulate-General, U. S. A.,

Havana, September 12, 1893.

Mr. Williams,

To the Department of State.

Subject:

Quarantine regulations.

Abstract of Contents.

In regard to the quarantine regulations to be observed by vessels bringing immigrants from Mediterranean ports or other ports infected with cholera.

No. 1990.

Consulate-General, U. S. A.,
Havana, September 12, 1893.

Honorable Josiah Quincy
Assistant Secretary of State,
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's circular dated the 28th of August, 1893, informing this office of the resolutions passed by the State Board of Health of Louisiana in regard to the quarantine regulations to be observed by vessels bringing emmigrants from Mediterranean ports or other ports infected with cholera. The information has been published in the daily journals of this city.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Consul General.

No. 1991.

To Treasury 9/23/93

Consulate-General, U. S. A.,

Havana, September 12, 1893.

Mr. Williams,

To the Department of State.

Subject:

Consular certificates to Chinese laborers.

Abstract of Contents.

Reporting upon the change of the formation of a syndicate in Havana for the purpose of furnishing Consular certificates to enable chinese laborers to enter the United States as merchants.

No. 1991

Consulate-General, U. S. A.,

Havana, September 12, 1893.

Honorable Josiah Quincy

Assistant Secretary of State,

Washington, D. C.

Sir:

With reference to the Department's instruction 797 of the 11th of last May, instructing this office to investigate and report upon the charge of the formation of a syndicate here for the purpose of furnishing Consular certificates to enable chinese laborers to enter the United States as merchants, I now have the honor to report that this office has not been able to fully investigate the charge, for the want of sufficient and proper means at its disposal for the performance of this service.

I would therefore suggest that a special agent be detailed by the Treasury Department to this city for the investigation of the matter.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Comdt General.

No. 1992

Consulate-General, U. S. A.,

Havana, Sept 12 1893.

Mr. Williams

To the Department of State.

Subject:

Chinese.

Abstract of Contents.

Le Won Wing has not yet appeared at this Consulate.

No. 1992

Consulate-General, U. S. A.,

Havana Sept 12th, 1893.

Honorable Josiah Quincy,

Assistant Secretary of State,

Washington, D. C.

Sir:

In answer to the Department's instruction, number 811, of the 7th of June last, with enclosures from the Acting Secretary of the Treasury, relative to the contemplated effort to secure the admission into the United States of one Le Won Wing, a chinese subject, now a resident of Havana, on false evidence that he has an interest of $1.000- in the firm of Horn Hong Lung Kee, of 11 Mott St, New York city, I have now to report that this office has been on daily guard in expectation of the presentation of this individual in quest of the visa to his Chinese

passport, but that up to the present he has not appeared.

Very respectfully
Your obt. servant,
Ramon O. Williams,
Consul General.

Mr. Strobel

No. 1993

Consulate-General, U. S. A.,

Havana, September 13, 1893.

Mr. Williams

To the Department of State.

Ackd Sept. 27

Subject:

American barbed iron wire.

Abstract of Contents.

Complaint against the imposition of duties on American barbed iron wire for fences by the customhouse at the port of Santiago de Cuba.

Two enclosures.

3RD ASSISTANT SECRETARY,

SEP 25 1893

Mr. Jamison.
Ackge & commend terms of
protest.
E. U.

No. 1093.

Consulate-General, U. S. A.,

Havana, September 13, 1893.

Honorable Josiah Quincy,

Assistant Secretary of State,

Washington, D. C.

Sir:

I now have the honor to inform you that after enquiry at our Consulate at Santiago de Cuba, I addressed a complaint on the 12th instant to the Governor General in conformity with the Department's instructions numbers 824 of the 29th of last July and 830 of the 5th ultimo, against the imposition of duties on American barbed iron wire for fences at that port, asking therein that he be pleased to order:

(1) That the collector of the port at Santiago de Cuba be instructed that: under the Reciprocity Agreement, galvanized iron wire barbed for fences, is free of duty

since the first of July, 1892, the date on which the definitive arrangement went into effect in this Island, and that, in consequence, (2) he cease (close) to exact duties on the importations of the article made since that date; that (3) he stop at once all attachment proceedings now pending against the importers of the said merchandise; and that (4) ~~that~~ he promptly refund the duties wrongfully collected on the said merchandise at the port of Santiago de Cuba; because thus exacted by the reciprocity agreement between the United States and Spain. (2)

Completed

2/ I enclose copy, and translation, of my said complaint.

I am, Sir, Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

Enclosures.

1. Mr. Williams to Mr. Hyatt.
August 19, 1893.

2. Mr. Williams to the Governor General.
September 12, 1893.

Enclosure No. 1 2
With Despatch No. 1993.

H A V A N A , Sept.13,1893.

Copy.

U.S.Consulate General.

Havana,Aug.19,1893.

Pulaski F.Hyatt,Esq.

U.S.Consul,

Santiago de Cuba.

Sir:

I enclose the copy of aletter addressed to the Department of State on the 25gh ultimo by Mesasrs. C.F.Ferrer and Brother,of 39 Broad street,New York, in relation to import duties exacted by the custom house of Santiago de Cuba on their shipments thereto of barbed wire.

Inasmuch,however,as this letter specifies nothing whatever with respect to the names (1) of the carrying vessels,(2) dates of arrivals,(3) numbers of packages,(4) amount of duties paid,(5) names of the consignees who paid these duties,(6) date or dates of the reference to the matter by the Santiago authorities to those of Havana,I have,in consequence,to ask that you please obtain the information,as enumerated, and remit it to me to enable this office to proceed in an intelligible and proper manner in remonstrance, under instruction of the Department,to the General

Government of the Island against the violations of the terms of the reciprocity agreement in the matter of said barbed wire for fences by the customs officials of that port.

For your information and guidance in future importations of this article at that port, I enclose ycu a slip taken from the Gazette of Havana of the 26th of July last, containing a Royal order declaring that barbed wire is to be admitted free of duty under paragraph 13 schedule A of the reciprocity agreement.

Very respectfully, your obedient servant,

Signed: Ramon O. Williams,

Consul General.

Enclosure No. 2

With Despatch No. 1993.

H A V A N A , September 13. 1893.

Copy.

U.S.Consulate General.

HAVANA, September 12, 1893.

To H.E. the Governor General of the Island of Cuba.

Excellency:

In compliance with a special instruction of my Government, I have now to complain to Y.E. against the appraisement of duties by the collector of the Port of Santiago de Cuba, on galvanized iron wire barbed for fences imported from the United States; because the said appraisement is contrary to paragraph 13, schedule A of the Reciprocity Agreement, which exempts said merchandise from the payment of duties, as likewise against the Repertory signed by the representatives of the United States and Spain at Washington on the 17th of October, 1892, which corroborates the above in its place corresponding to this merchandise, wherein it says:

"Wire: iron galvanized, barbed for fences,

"paragraph 13 schedule A".

This classification is also corroborated by the Repertory published in this city for the use of the customs officials of this Island, which on page 11, says:

"Wire: of galvanized iron, barbed for fences,
"paragraph 13, schedule A".

In addition, I must call the attention of Y.E. to the Royal order transmitted to Y.E. by H.E. the Minister of the Colonies, dated the 2nd of last June, under number 1184, which declares possitively that this merchandise is free of duties under paragraph 13 schedule A, as cited above.

And in further support of this complaint against the action of the collector of the port of Santiago de Cuba, I must, also, respectfully urge on the attention of Y.E. the application in the juggement of this affair of the declaration of His Majesty, contained in the Royal order addressed to Y.E. as published in the Gazette of this city on the 6th instant in relation to the protest of Messrs. Rodriguez and Perez about turpentine imported from the United States, which says:

"His Majesty the King (w.G.g.) and in his
"name the Queen Regent of the Kingdom, has been
"pleased to order that the Repertory definitively
"agreed upon with the Government of the United
"States being posterior to the publication of the
"Tariff and the Repertory thereto annexed, we
"must adhere to it in the decision of the
"present case".

Accordingly, the Repertory made in the Spanish language by the representatives at Washington of both Governments is the rule by which this case must be adjudged.

Therefore, and in compliance with the instruction of my Government, I have to ask that Y.E. be pleased to order that the said collector be instructed that: (1) under the reciprocity agreement, galvanized iron wire barbed for fences, is free of duty since the first of July, 1892, the date on which the definitive arrangement went into effect in this Island; and that, in consequence, (2) he cease to exact duties on the importations of the article made since that date; that (3) he stop at once all attachment proceedings now pending against the importers of the said merchandise; and that (4) he promptly refund the duties wrongfully collected on the said merchandise at the port of Santiago de Cuba; because thus exacted by [excepted?] the reciprocity agreement between the United States and Spain.

I avail myself of the occasion to offer to Y.E. the assurances of my most distinguished consideration and highest respect.

Signed: Ramon O. Williams,

Consul General.

Enclosure No. 2

With Despatch No. 1993.

H A V A N A , September 13 1893.

Copy.

Consulado General de los
Estados Unidos en la
HABANA, Setbre.12 de 1893.

Excmo.Sr.Gobernador General de la Isla de Cuba.

Excmo.Sr:

En cumplimiento de una instruccion especial de mi Gobierno, tengo que quejarme á V.E.contra el aforo de derechos practicado por el Sr.Administrador de la Aduana de Santiago de Cuba, sobre alambres de hierro galvanizados de púas para cercas importados de los Estados Unidos; por ser este aforo contrario al párrafo 13, tabla A del vigente convenio de reciprocidad, que exime á dicha mercancia del pago de derechos, asi como tambien opuesto al repertorio firmado en Washington el 17 de Octubre de 1892, que corrobora lo anterior en la parte que á esta mercancia se refiere, por cuanto dice:

"Alambre: hierro galvanizado de púas para
"cercas, párrafo 13, tabla A."

Confirma asimismo esta clasificacion el Repertorio publicado en esta ciudad para el uso de los

funcionarios de aduanas de esta Isla, el cual en su pagina 11, dice:

"Alambre: de hierro galvanizado de púas
"para cercas, párrafo 13, tabla A".

Ademas, Excmo. Señor, debo llamar la atencion de V.E. á la Real orden que con fecha 2 de Junio y bajo el número 1184 traslada á V.E. el Excmo. Sr. Ministro de Ultramar, la cual declara positivamente que esta mercancia es libre de derechos segun el citado párrafo 13, tabla A del convenio.

Para mayor apoyo de esta queja contra la accion del Sr. Administrador de la Aduana de Santiago de Cuba, debo tambien encarecer respetuosamente la atencion de V.E. sobre la aplicacion al juzgar este asunto de la declaracion de Su Majestad, que contiene la Real orden dirigida á V.E. segun se ha publicado en la Gaceta de la Habana el 6 del corriente mes en relacion á la protesta de los Sres. Rodriguez y Perez sobre aguarrás importado de los Estados Unidos, cuya Real orden dice:

"S.M. el Rey (q.D.g.) y en su nombre la
"Reina Regente del Reino, se ha servido disponer
"que siendo el Repertorio definitivo convenido
"con el Gobierno de los Estados Unidos posterior
"á la publicacion del Arancel y Repertorio á él
"unido, á él debemos atenernos para la resolucion

"del presente caso".

Por consiguiente, el repertorio redactado en Castellano por los representantes en Washington de ambos Gobiernos es la regla á que hay que atenerse en la resolucion de este caso.

Por lo tanto, y cumpliendo con la instruccion de mi Gobierno al efecto, tengo que pedir á V.E. se sirva mandar se instruya al referido Sr. Administrador de la Aduana que: (1) bajo el convenio de reciprocidad, el hierro galvanizado de púas para cercas es libre de derechos desde el primero de Julio de 1892, fecha en que comenzó á regir el convenio definitivo; y que, por consiguiente, (2) cese de exigir derechos sobre las importaciones de este artículo verificadas desde aquella fecha, (3) que suspenda todo trámite de apremio pendiente contra los importadores de dicha mercancia; y que (4) reintegre á la mayor brevedad los derechos indebidamente cobrados sobre la citada mercancia en el puerto de Santiago de Cuba, por exigirlo asi el debido cumplimiento del convenio de reciprocidad entre España y los Estados Unidos.

Aprovecho la oportunidad para ofrcer á V.E. el testimonio de mi mayor respeto y consideracion mas distinguida.

Signed: Ramon O. Williams,

Consul General.

N.

file

3RD ASSISTANT SECRETARY,
SEP 20 1893

No. 1994 ack & approved

Consulate-General, U. S. A.,

INDEX BUREAU
RECEIVED
SEP 19 93
DEP'T OF STATE.

Havana, Sept 15th 1893

Mr. Williams

To the Department of State.

Subject:

Chinese passports -

Abstract of Contents.

Reporting refusal to visa a passport, until certificate was produced of the character and identity of the party -

No. 1994.

Consulate-General, U. S. A.,

Havana, Sept: 15th, 1893.

Honorable Josiah Quincy

Assistant Secretary of State,

Washington, D. C.

Sir:

With reference to the Circular of the Department of State, dated August 24th, last, instructing U. S. Consular Officers in China and Cuba, to require "conclusive proof
" of the identity and character
" of Chinamen claiming to be
" merchants or persons of the
" exempt class under the provi-
" sions of section 6 of the act of May
" 6, 1882, before visaing the passports
" or other papers issued to them
" by the Chinese authorities; —

I have now to inform the Department that I refused yesterday to visa passport no 5599. issued by the Chinese Consul General of this city, to

Cheong ah Pau, an actor, bound
to New York, until some conclusive
proof of his character and identity
should be produced.

But today, upon the assurance
of the Chinese Consul General, that
he could of his own knowledge
certify as to the character and
identity of this individual, which
fact he indorsed upon his
passport, I thereupon visaed
the same as "Good for the
United States, in conformity
with said certificate.

I am, Sir,
Very respectfully
Your Obt Servant,
Ramon O. Williams
Custom General.

4.

Arms 9/21/93.

No. 1995.

U.S. Consulate General.
Havana, Sept 15, 1893.

Mr. Williams
to the
Department of State

Case of Mr Ernest D. Rosell
at Santiago de Cuba.

4 Enclosures

No. 1995.

U.S. Consulate General.
Havana, September 15, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have to report to the Department that on the 7th instant I received a letter dated the 29th ultimo from our consul, Mr. Hyatt, at Santiago de Cuba, informing me of the arrest of Mr. Ernest D. Rosell, an american citizen, on his arrival from New York, by the military authorities of that place.

It appears from the letter of Mr. Hyatt, copy of which is herewith accompanied, that the cause of the arrest of Rosell was

1/

the

the having brought a trunk from New York, for a friend at Santiago de Cuba, containing twenty four revolvers, of which it is alleged Rosell was ignorant, he believing the trunk to have contained only wearing apparel of his friend.

Mr. Hyatt, having asked, in the same letter, the aid of this office in obtaining the release of Rosell, I telegraphed him accordingly on the 9th telling him the necessity of it being first assured of the American citizenship of Rosell; and asking him at the same time to forward the proofs thereof. His telegram of the same date, received on Sunday the 10th, said that the naturalization papers of Rosell had been taken possession of by the authorities at Santiago de Cuba and forwarded

2/ to

to the Captain General at Havana. Upon this assurance from Mr. Hyatt, I made a visit to the Captain General on Tuesday the 12th. instant, Monday the 11th having been a national holiday, and called his attention to the fact, that whatever the offense Rosell might have committed against the Spanish law, with exception of the case of being captured with arms in hand in the act of attempting against the sovereignty of Spain, as provided for by article 1 of the Collantes — Cushing agreement of the 12th. of January, 1877, regarding judicial procedure, he must not be tried by any exceptional tribunal, but exclusively by the ordinary jurisdiction. The Governor General, at the moment, not seeming to be aware of the existence of this agreement,

I told him, then, that I would present him a brief note on the subject, under the reserve of awaiting for the special instructions of the Department. Accordingly, I sent him a note to-day, calling his attention to the provisions of article 7 of the treaty of 1795 and to those of the Collantes-Cushing agreement, asking to be informed, for the knowledge of my Government, of the reasons of the arrest and confinement in a military dungeon of Rosell; and, also, that he might be pleased to instruct the military commander at Santiago de Cuba to order the removal of Rosell from the fort to the jail of that city, placing him therewith at the disposal of the civil or ordinary jurisdiction for prosecution, with allowance of all the rights

of

of defense agreed to by the Governments of Spain and the United States. I enclose an english and a Spanish copy of the note; as, also, of my letter of to-day to Mr. Hyatt. 3/ 4/

And now awaiting for whatever particular instructions the Department may find proper to give this office in the case,

I remain, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams,
Consul General.

Four Enclosures:
No. 1 – Mr. Hyatt to Mr. Williams, Aug. 29.
" 2 – Mr. Williams to Mr. Hyatt – telegram, Sept. 9 –
" " – Mr. Hyatt to Mr. Williams – Do. – " –
" 3 – Mr. Williams to Governor Genl. – Sept. 15.
" 4 – Do to Mr. Hyatt – " –

Enclosure No. 1.

With Dispatch No. 1995

H A V A N A , September 15, 1893.

Copy.

UNITED STATES CONSULATE.

SANTIAGO de CUBA, August 29th, 1893.

Ramon O. Williams, Esq:

U.S. Consul General.

Havana, Cuba.

Sir:

I desire your aid in securing the release of one ERNEST D. ROSELL, and American citizen, (by naturalization,) who is held a military prisoner here under orders received from the Governor General at HAVANA.

The circumstances are as follows:-

RAFAEL ESPIN, a hardware merchant of this place, recently visited the United States to purchase goods and visit the Chicago Exhibition. Being acquainted with ROSELL, (who formerly resided at this place but left here at the age of sixteen, eleven years ago, and has since resided in New York,) he decided to secure his services as an interpreter and engaged him to go with him to Chicago, after having made his purchases in New York.

ESPIN says that he expected to return to New York after visiting Chicago, but found he could get home several days sooner by going via Tampa, Fla, and thence to Cuba, but having left his trunk in New York, it was necessary to make some arrangements to get it home. ROSELL had

informed him that he soon expected to visit his aged mother, residing in Santiago de Cuba, so he said to ROSELL why cannot you bring my trunk along when you come, a proposition to which ROSELL readily assented. He then gave him a letter to the proprietor of the New York American Hotel, requesting the landlord to deliver the trunk to ROSELL, and avers that ROSELL had no knowledge that the trunk contained anything but his ordinary wearing apparel. When the S.S. "VALENCIA" arrived at Santiago de Cuba, it was quarantined three days, and ROSELL sent word to ESPIN that his trunk was there and that he should be prepared to take charge of it, whereupon ESPIN went to the inspector at the port, and said to him, I have a trunk in care of one ROSELL, and there are twenty four cheap revolvers in it besides the wearing apparel and a few other articles, thinking he could make it all right with the inspector and get his goods cheaper than by ordinary method.

The Captain General at HAVANA, had learned that this trunk contained revolvers and had telegraphed to the Military Governor at this place to arrest the party having the trunk in charge.

He was however allowed to go to the home of his mother without hindrance, but was soon arrested and placed in the common prison. At his request and the request of his friends, I visited the prison and heard his story, which is substantially the same as that of ESPIN and that he was doing what he supposed was a friendly act to ESPIN and had no knowledge whatever that the revolvers were in the trunk.

ESPIN offers to pay all demands in cash and take

the place of ROSELL in prison and stand the trial as the only party having done a criminal act knowingly, but the authorities prefer to hold ROSELL responsible, and pay no attention to ESPIN except they have made a demand on him for the duty and the fine, which he refuses to pay unless he is allowed to take all the blame and responsibility in the case. ROSELL has now been removed from the prison, to the Military Bastile. (Morro.)

I have tried to get at the bottom facts of this case presuming that the Spanish authorities were acting with consideration and in good faith.

The facts above stated I believe to be substantially correct.

I earnestly hope that ypu may be able to explain this case in such a satisfactory way to the Captain General, that he will see the propriety of ordering ROSELL'S release at once.

In case of failure I desire that you will forward this letter to the Department of State with such recommendations as in your judgment deem best.

The authorities here took all his papers from him and remitted them to the Captain General.

I am, Sir, with high respect,

Your obedient servant,

(Signed) Pulaski F. Hyatt.

U.S. Consul.

Enclosure No. 2.

With Dispatch No. 1995

HAVANA, September 15, 1893.

Copies of Telegrams.

Mr. WILLIAMS to MR. HYATT.

HAVANA, September 9th, 1893.

HYATT, American Consul.

Santiago de Cuba.

This office requires positive proof of ROSELL'S american citizenship, according to paragraph hundred and thirty five Consular Regulations, send it immediately.

(Signed) WILLIAMS.

Consul General.

Mr. HYATT to MR. WILLIAMS.

Santiago de Cuba, September 9th, 1893.

Authorities took ROSELL naturalization papers and sent them to Captain General before I saw them. I am refused permission to see him.

(Signed) P. P. Hyatt.

Enclosure No. 3.

With Dispatch No. 1995.

H A V A N A , September 15th, 1893.

Copy -translation.

U.S.CONSULATE GENERAL.

HAVANA, September 15th, 1893.

To His Excellency

the Governor General

of the Island of Cuba.

Excellency:

In accordance with my instructions and for the knowledge of my Government, I have the honor to ask that Your Excellency be pleased to order that this office be informed at an early moment of the grounds upon which Mr. ERNEST D.ROSELL, an american citizen, has been arrested by the military authorities of Santiago de Cuba and imprisoned in a dungeon of Fort Morro of that port, on his arrival in the regular passenger and mail steamer "VALANCIA from New York.

Meantime, I have also to ask that Y.E. be likewise pleased to instruct the General commanding the military forces of that district by telegraph, to order the removal of ROSELL from the fort to the jail of that city, placing him in charge of the competent court of ordinary jurisdiction of the same district, as required by article 7 of the Treaty of October 27th, 1795, and the agreement concerning judicial procedure of the 12th of January, 1877 between Spain and the United States.

I am, Sir, etc,

(Signed) Ramon O. Williams.

Consul General.

Enclosure No. 3.

With Dispatch No. 1995.

H A V A N A , September 15, 1893.

Copy.

CONSULADO GENERAL de los ESTADOS UNIDOS en la HABANA.

Setiembre 15 de 1893.

Exmo: Señor

Gobernador General

de la Ysla de Cuba.

Exmo: Señor.

De acuerdo con mis instrucciones y para el conocimiento de mi Gobierno, tengo el honor de pedir á V.E. se sirva tener á bien mandar que se comuniquen á este Consulado General con la brevidad posible las razones en que se funda el arresto por las autoridades militares del puerto de Santiago de Cuba de Mr. ERNEST D. ROSELL, ciudadano americano, que ha sido encerrado en un calabozo del Castillo del Morro de aquel puerto á su llegada en el vapor "VALENCIA", que hace la carrera entre el citado puerto y Nueva York.

Mientras tanto, tengo además que pedir á V.E. se sirva instruir por telégrafo al Exmo. Sr. Comandante Militar de aquel distrito á fin de que ordene el traslado de ROSELL del castillo á la carcel de aquella poblacion, poniendole á la disposicion del competente tribunal de jurisdiccion ordinaria del propio distrito, de conformidad con lo estipulado en el articulo 7 del tratado de 27 de Octubre de 1795, y el convenio relativo á procedimientos judi-

ciales de 12 de Enero de 1877, entre España y los Estados Unidos.

Tengo el honor de suscribirme de V.E., con el mayor respeto y consideracion, atoS.S.q.b.s.m.

(Firmado) Ramon O.Williams.

Consul General.

-----O-----

Enclosure No. ~~1 5~~ 4

With Dispatch No. 1995.

H A V A N A , September 15th, 1893.

Copy.

U.S.CONSULATE GENERAL.

HAVANA, September 15th, 1893.

Pulaski F.Hyatt, Esq:

United States Consul.

Santiago de Cuba.

Sir:

In reply to your letter of the 29th ultimo, received on the 7th instant, informing this office of the arrest of Mr. ERNEST D. ROSELL, an american citizen, on his arrival from New York, by the military authorities of Santiago de Cuba; also to your telegram of the 9th, received on the 10th, saying that the authorit ies there, had taken ROSELL$ naturalizat ion papers and sent them to the Captain General, and for your information, I now enclose an english and spanish copy of the communication that I have today addressed the Governor General upon the subject.

By reference to art 7 of the treaty of 1795, and the agreement about judicial procedure of the 13th of January 1877, between the United States and Spain, to be found in the volume of "Treaties and Conventions between the United States and other Powers, 1776--1887", you will find that the right of ROSELL to be tried by the ordinary or civil jurisdiccion, and not by military court, with the right of appointing his advocate, with all other necessary safeguards, are amply secured to him by both Governments.

Very respectfully, Your Obt Servant.

Ramon O. Williams. Consul General.

file

TELEGRAM RECEIVED.

From Havana

Sept 19, 1893.

Received 10:31 A.M.

Secretary of State,

Washington, D.C.

Captain General has ordered Military Authorities at Santiago de Cuba to remove Rosell from Fort to Jail for trial by ordinary Jurisdiction

Williams,

Consul General.

No. 1996.

Consulate-General, U. S. A., Havana

September 20th 1893

Mr. Williams

To the Department of State.

Subject:

Case of Rosell at Santiago de Cuba.

Abstract of Contents.

Transmitting copy and translation of communication of Captain General dated Sepbr 18th.

1 Enclosure.

No. 1996.

Consulate-General, U. S. A.,

Havana, Sept. 20th, 1895.

Honorable Josiah Quincy

Assistant Secretary of State,

Washington, D. C.

Sir:

In continuation of my despatch no. 1995 of the 15th instant in relation to the arrest of Mr. Ernest D. Rosell, an American citizen, by the military authorities of Santiago de Cuba, I now have the honor to enclose copy and translation of the communication addressed to this office on the 18th instant by the Captain General in reply to mine of the 15th.

As I informed the Department yesterday by telegraph, the Captain General has ordered the military authorities at Santiago de Cuba, to remove Rosell to the jail of that city for trial by the ordinary

ordinary jurisdiction, before which Rosell had all the means of defense provided for under article 7 of the treaty of 1795, and the explanatory Collantes-Cushing agreement of the 12th of January, 1877.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams
Consul General.

1 Enclosure:
No. 1 – The Captain General to Mr. Williams, – Sept 18 –

Enclosure No.1.

With Despatch No. 1996.

H A V A N A , September 20, 1893.

Translated by Consul General Williams.

---------- O -------

CAPTAINCY GENERAL of the ever faithful ISLAND of CUBA.

OFFICE of the GENERAL STAFF.

To the Consul general of the United States,

Present.

Sir:

Under this date and in conformity with the opinion of the military counsellor (auditor de guerra) of this district, I have declined the cognizance of the cause instituted by the civil court of the Southern District of Santiago de Cuba, against the american citizen Mr. ERNEST ROSELL, for supposed crime of rebellion; and therefore return it to the same court for the proper ends of justice.

At the same time I am pleased to inform you that in view of the solicitation urged by you in your attentive communication of the 15th instant, I have ordered that Rosell be transferred from the fort to the jail of Santiago de Cuba, and placed at the disposal of the said civil court, with the information that his arrest by the military authorities of that city, was for the purpose of investigating the charge as

to whether he committed or did not commit the supposed crime.

I have the honor to inform you the above in reply to your said communication.

God guard you many years.

HAVANA, 18 September, 1893.

EMILIO CALLEJA.

Enclosure No.1.

With Despatch No. 1996.

H A V A N A , September 20, 1893.

Copy.

CAPITANIA GENERAL de la siempre fiel ISLA de CUBA.

ESTADO MAYOR.

Excmo.Señor:

Con esta fecha y de conformidad con lo que me ha propuesto el Sr.Auditor de Guerra de este Distrito,he rechazado el conocimiento de la causa que ha instruido el Juzgado del Distrito Sur de Santiago de Cuba contra el súbdito americano Don ERNESTO ROSELL por supuesto delito de rebelion; y en su virtud la devuelvo á dicho juzgado para los fines de justicia que sean procedentes.

Á la vez me complazco en participarle que atendiendo á lo interesado por V.E.en su atento escrito fecha quince del actual,ordenó que el citado Rosell sea trasladado á la carcel desde el castillo del Morro de Cuba donde se encuentra,á disposicion del mencionado juzgado; significándole que los motivos del arresto del referido individuo por las autoridades militares de dicha ciudad,fué debido á la indicada causa en la que se ha tratado de averiguar si cometió ó no el ya expresado delito.

Tengo el honor de manifestarlo á V.E.para su

noticia y en respuesta á su citado escrito.

Dios guarde á V.E.muchos años.

HABANA,18 de Setiembre de 1893.

EMILIO CALLEJA.

Excmo.Sr.Consul General de los Estados Unidos de America en la HABANA.

No. 1997.

U. S. Consulate General.
Havana, September 20, 1893.

Mr. Williams
to the Department of State.

Acknowledging receipt of
circular announcing the death
of the Honorable Hamilton Fish.

No. 1997.

U. S. Consulate General,
Havana, September 20, 1893.

Honorable W. Q. Gresham,
Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge the receipt of your circular dated the 5th instant, announcing the death of the Honorable Hamilton Fish, the instructions of which will be complied with.

I am, sir,
Very respectfully,
Your obedient servant,
Ramon O. Williams,
Consul General.

No. 1998.

U.S. Consulate General.
Havana, Sept. 20, 1893.

File

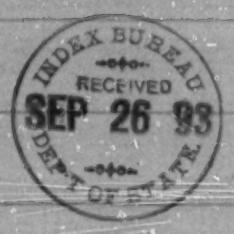
Mr. Williams
to the
Department of State.

Answering Department's
Circular instruction of July 7th.
last.

No. 1999.

Consulate-General, U. S. A.,

Havana, September 20, 1893.



Mr. Williams,

To the Department of State.

Subject:

General acknowledgment of instructions from numbers 832 to 845 inclusive.

Abstract of Contents.

No. 1999.

Consulate-General, U. S. A.,

Havana, September 20, 1893.

Honorable Josiah Quincy,

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions, numbered from 832 to 845, inclusive, of which number 834 has been reported upon separately.

I am, Sir,

Very respectfully,

Your obedient Servant,

Ramon O. Williams,

Consul General.

No. 2000.

U.S. Consulate General.
Havana, Sept. 21, 1893.

Rec'd Oct. 2

Mr. Williams
to the
Department of State.

Relating to appraisement of duties on butter contrary to paragraph 30 of schedule A of the reciprocity agreement.

1 Enclosure.

No. 2000.

U. S. Consulate General.
Havana, September 21, 1893.

Honorable Josiah Quincy,
Assistant Secretary of State,
Washington,
D.C.

Sir.

In continuation of my despatches nos 1957 and 1958 of the 7th and 8th ultimo, I now have to inform you that not having received any reply from the Governor General to my communication addressed him on the 5th of the same month, asking to be informed, for transmission to the Department, of the reasons upon which the custom house imposes duties on canned meats and butter imported here from the United States under paragraphs 29 and 30

of

of schedule A of the reciprocity agreement, I have, in consequence, addressed the Governor General another communication to-day asking again for the information in regard, this time, to butter only, with omission of reference to canned meats; because awaiting the appraisement to be made on a large lot of the latter article received this week from the United States. I enclose copy in Spanish and english of my said communication.

I am, Sir,
Very respectfully,
Your obedient Servant,
Ramon O. Williams,
Consul General.

1 Enclosure:
No. 1 – Mr Williams to Governor General, Sept 21 –

Enclosure No.1.

With Despatch No.2000.

H A V A N A , September 21,1893.

Copy.

U.S.Consulate General.

HAVANA, Sept.21,1893.

To His Excellency

the Governor General of the Island of Cuba.

Excellency:

With reference to the communication which by instruction of my Government I had the honor to address Y.E.on the 5th ultimo, asking that you might be pleased to order that this office be informed of the reasons upon which the custom house of Havana founds its appraisement of duties on the importation here of american butter, and not having received an answer, I have again to ask Y.E.in the name of my Government that you may direct that this office be informed of the reasons as asked in my said communication of the 5th ultimo for the imposition of these duties; because butter is free both under the agreement proclaimed by the President of the United States, at Washington, the 31st of July, 1891; as also under the repertory signed at the same city on the 17th of October, 1892, by the representatives of the Governments of Spain and of the United States.

I am etc., etc.,
Signed: Ramon O.Williams,

Consul General.

Enclosure No.1.

With Despatch No.2000.

H A V A N A , September 21,1893.

Copy.

Consulado General de
los Estados Unidos.
HABANA, Setbre.21, 1893.

Excmo.Sr.Gobernador General
de la Isla de Cuba.

Excmo.Sor:

Con referencia á la comunicacion que de orden de mi Gobierno tuve la honra de dirigir á V.E. el dia 5 del mes ppdo.,pidiéndole se sirviera mandar informar á esta oficina las razones en que funda la aduana de la Habana los aforos de derechos de importacion sobre la mantequilla americana,y no habiendo recibido,hasta la fecha,contestacion á la misma; me veo en el caso de pedir de nuevo á V.E.en nombre de mi Gobierno se sirva ordenar se diga á esta oficina las razones que interesan mi mencionada comunicacion del 5 de Agosto,puesto que la mantequilla es libre de derechos tanto bajo el convenio de reciprocidad proclamado por el Presidente de los Estados Unidos en Washington,el 31 de Julio de 1891; como tambien segun el repertorio firmado en la misma ciudad el 17 de Octubre de 1892,por los representantes de los Gobiernos de España y los Estados Unidos.

Tengo el honor de suscribirme de V.E.ato.s.s.q.b.s.m.

Signed: Ramon O.Williams,
Consul General.

No. 2001.

Consulate-General, U. S. N.,

Havana, Sept. 22, 1893.

Mr. Williams

To the Department of State.

Subject:

Asking for two flags.

Abstract of Contents.

No. 2001.

Consulate-General, U. S. A.,

Havana, Sept. 22, 1893

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I beg to request that two American flags of the medium size be forwarded to me for the use of this Consulate General.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams,
Consul General.

Answered
D. C. 9. Sept.
26. 1893.
telegram to
make same date.

INDEX BUREAU
RECEIVED
SEP 25 93
DEP'T OF STATE.

Habana
September 23. 1893

Form No. 3.

CABLE MESSAGE.
THE WESTERN UNION TELEGRAPH COMPANY.

All CABLE MESSAGES received for transmission must be written on the Message Blanks provided by this Company for that purpose, under and subject to the conditions printed thereon, and on the back hereof, which conditions have been agreed to by the sender of the following message.

THOS. T. ECKERT, General Manager. NORVIN GREEN, President.

TWO AMERICAN CABLES FROM NEW YORK TO GREAT BRITAIN.
CONNECTS ALSO WITH FOUR ANGLO-AMERICAN AND ONE DIRECT U. S. ATLANTIC CABLES.
DIRECT CABLE COMMUNICATION WITH GERMANY AND FRANCE.
CABLE CONNECTION WITH CUBA, WEST INDIES, MEXICO AND CENTRAL AND SOUTH AMERICA.
MESSAGES SENT TO, AND RECEIVED FROM, ALL PARTS OF THE WORLD.

OFFICES IN AMERICA:
All Offices (20,000) of the Western Union Telegraph Company and its Connections.

OFFICES IN GREAT BRITAIN:

LONDON:
No. 21 Royal Exchange, E. C.
No. 109 Fenchurch Street, E. C.

LIVERPOOL: A5 Exchange Buildings.
GLASGOW: No. 29 Gordon Street.
BRISTOL: Backhall Chambers.

NUMBER	SENT BY	REC'D BY	No. OF WORDS.	FROM
72	AS	GB	52	Govt Havana

RECEIVED at Washington DC 405P Sept 23 1893

Sept 23.

Secretary of State Washn DC

Collector has notified importers that final payment of tonnage dues on goods from United States under schedules A and B since first of last July must be made within three days or he will enforce collection through execution proceeding Please instruct

Williams Consul General

No. 2002

Consulate-General, U. S. A.,

Havana, September 27, 1893.

Mr. Williams,

To the Department of State.

Subject:

Case of Mr. Ernest D. Rosell.

Abstract of Contents.

Transferred to the common prison.

No. 2002.

Consulate-General, U. S. A.,

Havana, September 27, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

Referring to the case of Mr. Ernest D. Rosell, an American citizen, I beg to inform the Department, that I am in receipt of a letter from our consul at Santiago de Cuba dated the 21st instant stating as follows:

"I am happy to inform you
"that Rosell has been transferred
"to the common prison and I
"trust will soon have a speedy
"and fair trial."

I am, Sir,

Very respectfully,

Your obedient servant.

Ramon O. Williams,

Consul General

Mr. Strobel

Mr.

No. 2003.

U. S. Consulate General.
Havana, Sept. 28, 1893.

Ans'd Oct 5 '93

Mr. Williams
to the
Department of State.

Report on appraisement of custom house of Havana on canned meats and butter, contrary to paragraphs 29 and 30 of the reciprocity agreement between Spain and the United States.

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3 Enclosures.

No. 2003.

U. S. Consulate General.
Havana, September 28th 1893.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

In continuation of my despatch nº 2000 of the 21st instant and preceding numbers on the appraisement of duties by the Havana custom house on canned meats and butter contrary to paragraphs 29 and 30 of Schedule A of the reciprocity agreement, I now have the honor to accompany a copy, with translation, of the note which the Chief of the Central Section of the Treasury was pleased to address this office on the 21st instant, with enclosures

of

of copies of the communication
sent him by the Regional
Governor on the 13th. of this
same month, accompanying
2/ therewith copies of the reports of
the Collector of the Port, dated
3/ the 24th. of last May, and 19th.
ultimo, on these two questions.

The Department will please
observe that the report of the
Collector of the 24th. of last May
to the Regional Governor, has
for its subject the memorial
of Messrs. E. Aguilera & C, of this
city, complaining against the
imposition of duties, under
paragraph 59 of schedule C
of the Reciprocity Agreement,
on canned meats, imported
from the United States; and
claiming therein that under
paragraph 29 schedule A,
these meats are free of said
duties, and that its reading

discovers

discovers the facts: that the collector entirely ignores the existence of the Repertory signed at Washington the 17th of October, 1892, between the representatives of the two Governments; that instead, he recognizes the Cuban Repertory, published in the Havana Gazette on the 25th, 26th and 28th of last February, as the definitive Repertory and sole criterion in this connection; that he attributes to this Cuban Repertory equal force with the Treaty; that, accordingly, he decides that only natural meats, or in other words, only raw or butchered meats, canned, can be admitted free under paragraph 29 of schedule K; that the meats in question, were condimented and prepared by culinary process for immediate use, that, therefore, they are not

embraced

embraced in paragraph 29 of schedule A; that from their condiment and culinary preparation, they are included in paragraph 59 of schedule C; and are, therefore, subject to an import duty of 50 per cent. And this report of the collector of the Port was approved by the Regional Governor.

Again, the collector in his report of the 13th instant, in which he includes butter, takes the ground that although this article was previously admitted free, under the first Repertory, it was, however, excluded from the definitive Cuban Repertory; and, that the duties, therefore, became reimposed. In this report about butter, he again completely ignores the existence of the Repertory signed at Washington

Washington, the 17th of October, 1892; and, also, adopts the Cuban Repertory as the criterion of the question.

From the same communication of the Regional Governor of the 13th instant, to the Chief of the Central Section of the Treasury, it will be seen that the question about these incents had been submitted, in consultation to the Colonial Ministry, at Madrid, as provided by the Home Government for all questions arising out of the interpretation of the Reciprocity Treaty with the United States.

Likewise, by the note of the Chief of the Central Section of the Treasury, dated the 21st instant, it will be seen that orders have been given

given to the Havana custom house to furnish this Consulate General, on its solicitation, with the explanations it may consider necessary regarding disputed appraisements of duties on merchandise entitled to franchise under the Schedules of the Treaty.

... In conclusion, I beg to remark that the findings of the Collector that the canned meats expressed in paragraph 29 of Schedule K, are to be natural, or in other words raw, fresh, butcher's meats, canned, will not stand before a jury or commission of merchants of any country. In my note of the 7th of November, 1890, to the Honorable Secretary of State, then, Mr. Blaine, giving him a list, at his verbal request, of

of the articles that in the opinion of this office, ought to be allowed to enter here free from the United States in view of the reciprocity arrangement contemplated with Spain, and under the heading of "Food", canned meats are distinctly stated; as also butter. Therefore, this office has always been of the opinion that these articles, as subsequently included in the Treaty, are irrevocably entitled to free entry in the Islands of Cuba and Porto Rico. As regards butter, the collector admits that it was free under paragraph 30 of the first Repertory, as well as of the Tariff, such here from Spain in 1892; but left out in what he calls the definitive Repertory, published in the Gazette of this city on the 25th, 26th and 28th of last February, from which

omission

omission he erroneously
deduced not the conclusion,
but the right of the customs
house to charge duties on butter.
Again, on page 144 of the
copy of the Spanish version
of the Repertory, concluded
at Washington the 17th of last
October, there appears the following
article:

"Mantéca de antimonio, 30 Tabla D.
" de cacao " "
" de cerdo " "
" de vaca ó " "
" manteguilla " "

And this manteguilla
or butter is also expressed
on the next page, as free
under paragraph 30, Tabla D.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams,
Consul General

Three enclosures:

No. 1 - Mr. Fontanals to Mr. Millard, Sept. 21 -

" 2 - Regional Governor to Mr Fontanals, Chief of the Central Section of the Treasury, transcribing copy of report of the Collector of the Port of Aug. 19 - Sept. 13 -

" 3 - Report of the Collector of the Port to Regional Governor. May 24 -

Enclosure No. 1.

With despatch No. 2006.

H A V A N A , September 28, 1893.

Translated by Consul General Williams.

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GOVERNMENT GENERAL of the ISLAND OF CUBA.

OFFICE of the SECRETARY GENERAL.

CENTRAL SECTION of the TREASURY.

HAVANA, September 21, 1893.

To the Consul general of the United States,

Present.

Sir:

By order of H.E. the Governor General, I have the pleasure to enclose you copies of the reports sent by the Western Regional Governor and of this Province, and by the custom house of this port, giving the reasons upon which the latter justifies the collection of duties on preserved meats and butter; which antecedents you were pleased to solicit in your official letter of the 5th of August last, informing you at the same time that the necessary orders have been given, under this date, for the custom house to furnish the consulate of your worthy charge, with the explanations you may consider necessary regarding its appraisements without allowance of the benefits stipulated in the Commercial Treaty with the United States.

God guard you many years.

(Signed) Francisco Fontanals.

Enclosure No. 1.

With Despatch No. 2003.

H A V A N A , September 28, 1893.

Copy.

Gobierno General de la Isla de Cuba.

Secretaria General.

Seccion Central de Hacienda.

De órden del Excmo.Sr.Gobernador General, tengo el gusto de remitir á V.S.copias de los informes emitidos por el Gobierno de la Region Occidental y de esta Provincia y por la Aduana de este puerto, respecto á los fundamentos en que se apoya este último Centro para cobrar derechos á las carnes en conserva y á la mantequilla; cuyos antecedentes se sirvió V.S. solicitar en atenta carta oficial de 5 de Agosto último; debiendo añadir al propio tiempo, que con esta fecha, se dán las órdenes oportunas, á fin de que, por la citada aduana, se facilite á ese Consulado de su digno cargo los datos que V.S.considere necesarios respecto á los motivos en que se apoya dicha Dependencia para aforar mercancías americanas sin los beneficios que se estipulan en el Convenio Comercial con los Estados Unidos.

Dios guarde á V.S.muchos años.

Habana, 21 de Setiembre de 1893.

Signed: Francisco Fontanals.

Sr.Consul Gral.de los Estados Unidos en esta Capital.

Enclosure No: 2.

With Despatch No. 2003

HAVANA, September 28, 1893.

Translated by Consul General Williams.

GOVERNMENT of the WESTERN REGION.- HAVANA, 13 Sept., 1893.

To the Chief of the Central Section of the Treasury,

Present.

Sir:

The collector of customs of this port has addressed me a communication dated the 19th ultimo, which reads as follows:

"Excellency:- In compliance with the official note of Y.E. of the 17th instant, transcribing another from the Central Section of the "Treasury, of the 11th of this same month, asking, "at the solicitation of the consul general of "the United States, in this city, to be informed "of the reasons serving as foundation to this "custom house for its appraisement of duties on "butter and canned meats from the United States "contrary to schedule A of the commercial treaty "with that nation, I have the honor to inform "Y.E. that butter was included in the first Re- "pertory under paragraph 30 schedule A, and "was so inserted in the Tariff, with the letter "A opposite the line, indicating thereby that

"it was free of duty;but the definitive Re-
"pertory that was afterwards made for the clear-
"ing up the doubts and difficulties that arose
"out of the application of the first,and pub-
"lished in the Havana Gazette of the 25th,26th
"and 28th of February last,only mentions cocoa
"and antimony butter under schedule D,and hog's
"butter under paragraph 30 of schedule A,there
"being no mention whatever of cow's butter,from
"which fact this custom house has deduced the
"conclusion that the said cow's butter has not
"been granted any benefit under the definitive
"Repertory.

"With respect to the second term to which
"your official note refers or to the appraisement
"of duties on preserved meats in cans,I have the
"honor to manifest to Y.E.that the process started
"by Messrs.E.Aguilera and Co,because of the ap-
"praisement of duties on several lots of meats pre-
"served in cans was returned with the report of
"this office thereon to the Government on the
"24th of last May,copy of which report,made by
"the undersigned,is hereby accompanied".

I have the pleasure to transcribe the pre-
ceding copy of the report of the collector of the

custom house; informing you likewise that the proceedings to which the present communication refers will be forwarded in consulsation to the Colonial Ministry by the mail steamer of the 20th of the present month, as provided for all questions arising by reason of the interpretation of the Commercial Treaty ruling between the United States and Spain.

I have also to inform Your Honor that the Government under my charge finds no objection to the desires manifested by the consul general of the United States with respect to facilitating him with notes expressive of the reasons had by the custom house for the appraisement of merchandise from the United States, provided this does not signify an undue interference on the part of a foreign functionary in the administration of the Spanish Treasury.

God guard Your Honor many years.

Havana, September 13th, 1893.

(Signed) Antonio del Moral.

Governor of the Western Region and

Province of Havana.

The above is an exact copy of the original on file in the Central Section of the Treasury.

Havana, 20 September, 1893.

(Signed) Modesto Alvarez.

Chief of theBureau.

Enclosure No. 2.

With Despatch No. 2003.

H A V A N A , September 28, 1893.

Copy.

GOBIERNO de la REGION OCCIDENTAL - HABANA- Gobernacion- El Administrador de la Aduana de este puerto me ha dirigido, con fecha 19 de Agosto último, una comunicacion que á la letra dice asi:- Excmo.Sr: En cumplimiento del Superior oficio de V.E. fecha 17 del actual, transcribiendo otro de la Seccion Central de Hacienda de 11 del mismo, en el que á peticion del Sr.Consul General de los Estados Unidos en esta plaza, interesa se le informe acerca de las razones que sirven de fundamento á esta Aduana para aforar con los derechos íntegros del Arancel, la manteca de vaca procedente de dicha nacion sin aplicársele los beneficios de la tabla A del Tratado Comercial celebrado con la misma, asi como á las carnes conservadas en latas de igual procedencia y á la que se comprende, para los efectos del afore dentro del apartado 30 de la Tabla A, al márgen de la partida correspondiente al arancel contiene la llamada A libre, y en el Repertorio unido al mismo tambien se señala la manteca de leche de vaca como comprendida en la mencionada Tabla; pero en el Repertorio definitivo publicado en la Gaceta de esta capital de 25, 26 y 28 de febrero último, para la recta aplicacion del Tratado y destinado á

aclarar las dudas y dificultades que con el anterior Repertorio se suscitaban, solo figuran la manteca de cacao y de aptimonio en la tabla D y la de cerdo en el apartado 30 de la Tabla A, haciendo caso omiso de la de vaca, de lo cual ha deducido esta Admon. que a dicha manteca no se le concede por el Tratado, segun el nuevo Repertorio, beneficio alguno. Cuanto al segundo extremo á que se contrae su respetable oficio o sea el aforo de las carnes conservadas en latas, tengo el honor de manifestar á V.E. que con fecha 24 de Mayo último, se devolvió al Gobierno de su digno cargo informado por esta oficina el expediente promovido por los Sres. E. Aguilera y Compañia con motivo del aforo de varias partidas de carnes conservadas en latas y en cuyo expediente emitió el que suscribe el informe que en copia se acompaña. Lo que tengo el gusto de transcribir a V.S. con la adjunta copia remitida por el Sr. Administrador de la Aduana; debiendo advertir que los dos expedientes a que alude la preinserta comunicacion se elevaran en consulta al Ministerio de Ultramar por el correo oficial de 20 del corriente mes, segun está prevenido para cuantos se refieren á cuestiones surgidas con motivo del Tratado Comercial, que rige entre los Estados Unidos y España. Tambien he de hacer presente a V.S. que el Gobierno de mi cargo no encuentra reparo que oponer á los deseos manifestados por el Consul general de los Estados Unidos respecto á que se le faciliten

notas expresivas de las razones habidas en cuenta por la Aduana para aforar mercancias procedentes de la Republica nombrada, siempre que este no signifique ingerencia indebida de un funcionario extrangero en la Admon. de Hacienda Española.- Dios guarde a V.S. muchos años. HABANA, 13 de Septiembre de 1893. Antonio del Moral.- Sr. Jefe de la Seccion Central de Hacienda.

Es copia exacta de su original que se halla en la Seccion Central de Hacienda.

HABANA, 21 de Septiembre de 1893.

Es copia,

El Jefe del Negociado?

P.S.

Modesto Alvarez.

Enclosure No. 3.

With Dispatch No. 2003

H A V A N A , September 28, 1893.

(Translated by Consul General WILLIAMS.)

REPORT of the Collector on the memorial of Messrs E.AGUILERA X CO.

Office of the Collector of the Port.

HAVANA, May 24th, 1893.

To His Excellency the Governor of the Western Region.

Excellency:

In this contention, Messrs. Ernestóo Aguilera X Co, importing merchants of this city, appeal to the authority of Y.E. against the appraisement made by the custom house on two lots of preserved meats imported from the United States and entered by them for consumption under declarations numbered 30,217 and 33,154.

The memorial of these importers sets forth that they consider the said meats to be included in paragraph 29, Schedule A. of the Treaty with the United States; and, therefore, entitled to admission free of all duties; while on the other hand, the custom house judges them to fall within the paragraph 59 of Schedule C. and entitled, thereby, to a reduction of 50 per cent.

The memorialists declare that there are two points upon which they differ with the customs officials; first, as to which of the two documents is to rule in the imposi

tion of duties on the products of the United States; the Repertory or the Treaty; and second, if the merchandise entered by them is or is not meat preserved in cans by the extraction of the air.

The memorialists found their rights on the stipulations of paragraph 29, Schedule A. of the Treaty with the United States, and in a burst of vehement defense, go so far as to suppose that the (Cuban) Repertory is not a legal document; sustaining, furthermore, that it has not been published either by our Government or that of the United States. This idea cannot be more strange; since they acknowledge on the same memorial that this Repertory by which the customs officials guide themselves in the application of the Treaty, is the one which was published in the official Gazette of this city on the 25th, 26th and 28th of last February; therefore, the official character of this document cannot be denied; and from this moment it must be recognized as such, and of equal force with the Treaty, notwithstanding the memorialists may doubt its validity, since both documents point by different ways to one sole purpose, though to this end, the object of each one may be distinct accordingly as their missions are different; for while the first is the frame, as it were, containing the expression of the franchise, the second is the part to which the first must be adjusted for the securing of its rights and legitimate appliestion and interpretation. By such means only can the Treaty be applied. Otherwise it would be difficult to carry out

its provisions. For it is doubtful if even those who intervened in its agreement could have applied it with more exactness, since the complications arising from the multitude of different articles embraced in its several schedules, and because of the latter expressing the favored articles in general, while the Repertory analyzes and separates them under particular terms according to the requirements of the several schedules; any other method would lead to an incalculable number of doubts in the application of the schedules. Thus one of the two points of doubt according to Messrs Ernestbo Aguilera x Co, being disposed of, we will now proceed to examine the others,--that is;--if the meats entered by them, are meats preserved in cans by the extraction of air; and, therefore, entitled to free entry under paragraph 29 to Schedule A, as they suppose, or if they are embraced under paragraph 59 of Schedule C, to which the Custom house has adjudged them.?

To this end an examination of the present legislation is sufficient; but the undersigned must first observe, that by general rule all meats imported in cans, either in their own juice, in lard, or with other adherents, have necessarily to be preserved by the extraction of air, although containing other preparations. This principle once established, we proceed to the examination of the Treaty. Paragraph 29 of Schedule A, says:

"Meats in brine, salted and smoked, including "bacon, hams, and meats preserved in cans, in lard, or "by extraction of air.

As seen, the redaction of this paragraph cannot be clearer; its text shewing that the meats embraced, must be natural, must not have suffered(sic)any condiment or preparation whatever or preserved by such processes.

Paragraph 59 of Schedule C, says:

"Preserved alimentary substances and canned "goods, not comprised in other numbers, including sau- "sages, stuffed meats, mustards, sauces, pickles, jams, "and jellies".-

Neither can the redaction of this paragrapg be plain er, and it is to be observed that in it are embraced as preserved alimentary substances, and goods in cans, not comprised in other numbers of these schedules, such as fowls and meats that contain some condiment, or that have been prepared to be served without any further prepara- tion, since in the natural meats, those that are to be the object of some culinary process for eating, are those re- ferred to in paragraph 29 of Schedule A, which the memo- rialists invoke as applicable to the case under discussion

Let us now see what is prescribed on this point by the two Repertories; the first of which is added at the end of the present tariff; and the second, or defini- tive repertory, which was published in the Gazette of the 25th, 26th and 28th of February last, with the purpose of clearing away the doubts encountered in applying the pro- visions of the Treaty.

The first of these two repertories embraces, under paragraph 29, Schedule A, meats, smoked, salted, in brine, mutton, smoked beef, pork, including bacon, preserved in cans in lard, and by extraction of air. So, therefore, in this

list which comprises all the preserved meats to which the provisions of paragraph 29, Schedule A, can be applied, no mention is made of any meats that for their preservation or their immediate use have been condimented or received additions of any kind, as occurs at the present time with the majority of meats. But to the contrary, the same Repertory, in its paragraph 59, Schedule C, and under the heading of preserved alimentary substances, embraces seals and shell fish, garden vegetables and meats, fowls, fruits, and those not expressed.

The second Repertory, that is, the definitive one, confirms this same application by means of its heading "preserved alimentary substances" not comprised in other paragraphs of these Schedules. This heading undoubtedly refers to all preserves that have been condimented, and are those expressed in the Schedules.

The definitive Repertory in its section of meats, differs very little in its classification from the other, for it comprises under its Schedule A, beef, pork and mutton in cans and in brine, salted or smoked and those preserved by the extraction of air, taking stuffed meats of all kinds under Schedule C.

The reasons above expressed will demonstrate that the attentive examination of the Treaty and the Repertories will present no more doubts to Y.E. as to the application of their schedules, in the case of preserved meats in cans, than has occurred to this Custom house; and the meats imported by Messrs Aguilera & Co, being of the kind intended for immediate use, having been condimented or

subjected to culinary preparation, are, from this circumstance, of the kind not expressed in the schedules of the Treaty; belonging, therefore, for the appraisement of dutiesto paragraph 59 of Schedule C, which is that which this Custom house has applied to them.

This is all the undersigned has to report. Your Excellency, notwithstanding, will deign to decide whatever you may esteem most correct.

HAVANA, May 24th, 1893. It is a copy.-BUITRAGO.

The above is a copy.

By substitution,

(Signed) Modesto Alvarez.

Chief of the Bureau.

Enclosure No. 3.

With Despatch No. 2005.

H A V A N A , September 28, 1893.

Copy.

Hay un timbre que dice:- Admon.de la Aduana de la Habana.- Excmo.Sr.Gobernador de la Region Occidental.- D.ERNESTO AGUILERA,comercIante importador de esta localidad,acude ante la autoridad de V.E.por medio de la presente instancia contra el aforo practicado por esta Aduana á dos partidas de carnes conservadas en latas importadas de los Estados Unidos y declaradas á consumo en hojas de orden Nos.30217 y 33154.- El presente recurso de alzada se refiere á que los interesados consideran comprendidas dichas carnes en el apartado 29 de la tabla A del Tratado con los Estados Unidos que goza de la franquicia absoluta de todos los derechos,mientras que la Admon.la juzga dentro del apartado 59 de la tabla C donde cree que entran incluidas y que disfrutan solamente de la rebaja del 50 por ciento. Manifiesta que son dos los puntos en que difieren de los empleados de esta aduana,el de saber cual es el documento que ha de regir para la imposicion de los derechos fiscales á los productos y procedencias de los Estados Unidos: si el Repertorio ó el Tratado, y si la mercancia por ellos declarada es ó nó carne conservada en latas por extraccion del

aire.- Fundan sus derechos los interesados en lo estipulado en el apartado 29 de la tabla A del Tratado con los Estados Unidos,y en un arranque de vehemente defensa de su apelacion llegan á suponer que no es documento legal el Repertorio; y lo que es mas, á sostener que ni siquiera este ha sido publicado por nuestro Gobierno ni por el Gobierno Americano.- Y esta idea no puede ser mas peregrina despues de haber dicho en el mismo escrito que el Repertorio á que los empleados de la Aduana se ajustan para la aplicacion del Tratado es el publicado en la Gaceta de esta Capital en los dias 25,26 y 28 de febrero último; de suerte que no puede negarse que el documento tenga carácter oficial y desde este instante hay que reconocer apesar de reputarlo los recurrentes como documento ilegal,que tiene por lo menos la misma fuerza legal que el Tratado,puesto que son dos cosas completamente iguales y que responden á un mismo fin,aunque dentro de este,el objeto de cada uno sea distinto como es distinta su mision; pues que mientras el primero es el cuadro donde se consignan los beneficios estipulados,el segundo,es la parte,digámoslo asi,á que aquel debe ajustarse para su mas recta y legitima aplicacion e interpretacion.- Y solo asi se concibe que pueda aplicarse en justicia,por que de otro modo sería tan difícial llevarlo á cabo que hasta los mismos que intervinieron en la obra es dudoso que llegaran

á aplicarlo con toda rectitud, ante la complicacion que ofrece la multitud de géneros, especies y artículos que figuran en las distintas tablas del tratado; y por consiguiente comprende las materias y efectos en general, mientras que el Repertorio analizay detalla en particular los que corresponden á una ú otra tabla; porque de lo contrario sería incalculable el número de dudas que á cada paso surgirían, por consecuencia de la aplicacion de dichas tablas. Descartado uno de los dos puntos que ofrecian dudas á los Sres .Aguilera y Compañia, vamos á ver el segundo, ó sea el que se refiere á si las carnes por ellos declaradas en las hojas de adeudo que mas arriba se citan, son conservadas en latas por extraccion del aire y si á estas corresponde aplicar el apartado 29 de la tabla A en que los interesados las suponen comprendidas, ó en el 59 de la tabla C á que por esta aduana se han llevado. Para ello basta examinar la legislacion actual; pero antes ha de manifestar el que suscribe que por regla general todas las carnes que se importan en latas ya sean en su propio jugo, en manteca ó con otros adherentes, necesariamente han de estar conservadas por extraccion del aire aunque aparte de esto contengan otras preparaciones.- Sentado este principio vamos á comenzar por el examen del Tratado.- Dice el apartado 29 de la Tabla A: "carnes en salmueras, saladas, y ahu-
"madas, incluyendo tocino, jamones y carnes conser-
"vadas en latas, en manteca ó por extraccion del aire,

Como se vé la redaccion de este apartado no puede ser mas clara; y de su texto se desprende que las carnes en él comprendidas, han de ser las naturales, las que no han sufrido condimento ó preparacion alguna y conservadas por los procedimientos indicados.

El número 59 de la tabla C: "materias alimenticias contiene
"en conservas y géneros en latas no comprendidas
"en otros numeros de las tablas, incluso las
"salchichas, embutidos, mostazas, salsas, encurtidos,
"conservas de frutas y jaleas."

La redaccion de este apartado no puede ser mas clara tambien y desde luego se advierte que en el están comprendidos como sustancias alimenticias en conservas y géneros en latas no comprendidos en otros numeros de las tablas, las aves y las carnes que contienen algun complemento ó que han sido preparadas para ser servidas sin ninguna otra preparacion, puesto que las naturales, las que han de ser aun objeto de procedimiento culinario para comerse son a las que se refiere el apartado 29 de la Tabla A que los interesados invocan como aplicable al caso que se discute.

Veamos por ultimo lo que sobre el particular indican ambos repertorios: el primero que figura al final del arancel vigente y el definitivo publicado en las Gacetas del 25, 26 y 28 de febrero último, hecho espresamente para aclarar y decidir las dudas que en su aplicacion ofrecia el Tratado. Comprende el primero

de dichos repertorios en el apartado 29 de la tabla A las carnes ahumadas, saladas, en salmuera, de carnero, cecina, de cerdo, incluso el tocino de cerdo en salmuera, conservadas en latas, en mantecas y por extraccion del aire. De suerte que en esta relacion que comprende todas las conservas á que ha de aplicárseles el apartado 29 de la tabla A, no figura ninguna de las carnes que para su conservacion ó para su uso inmediato han sido condimentadas ó contienen adherentes de cualquier especie como acontece hoy en lamayoria de las conservas. En cambio el mismo repertorio lleva al apartado 59 de la tabla C bajo el epígrafe de conservas alimenticias, las de pescados y mariscos, de hortalizas, legumbres y las de carnes, aves, frutas y las no expresadas. En el segundo repertorio ó sea el definitivo confirma esta misma aplicacion por medio del epígrafe "sustancias alimenticias" en conservas no comprendidas en otras partidas de las tablas, epígrafe que indudablemente se refiere á todas las conservas cuyos artículos hayan sido condimentados y que son los que no se expresan en las tablas. El mismo repertorio en la seccion de carnes discrepa en su clasificacion muy poco de la anterior ó primitiva puesto que comprende en la tabla A las carnes de vaca, cerdo, y carnero en latas y en salmuera, saladas ó ahumadas y las conservadas por extraccion del aire, llevando la mechada y rellena de todas clases á la tabla C. Las razones expuestas demostrarán á V.E.

que examinados con atencion el Tratado y los Repertorios,no ofrece dudas la aplicacion de sus tablas en el caso de las carnes conservadas en latas,como no la ha ofrecido á esta aduana; y que siendo las carnes importadas por los Sres.Aguilera yCompañia,de las que por su uso inmediato han recibido condimento o preparacion culinaria y ser por esta circunstancia de las no expresadas en las tablas del Tratado,les corresponde para los efectos del adeudo la tabla C número 59 que es la que por esta aduana se les ha aplicado. Es cuanto tiene el honor de informar el que suscribe.- V.E.no obstante se dignará resolver lo que estime mas acertado.- Habana,24 de Mayo de 1893. Es copia- Buitrago.- Hay un sello que dice : Aduana de la Habana.- Contaduria.

Es copia.

El Jefe del Negociado.

P.S.
(Signed) Modesto Alvarez.

No 2004.

U.S. Consulate General
Havana, Sept 28 1893

Sept & Treasury Oct. 6 93

Mr. Williams
to the
Department of State.

asking if copies of Specials Prices Current for Cigar Factories shall be purchased for Treasury.

Received Oct. 6th 1893

Mr. Faieu:
Ask Treasury if
they desire this
Edition - and numbe
of copies.
S. M.

No. 2004

U. S. Consulate General
Havana, Sept 28/1893.

Honorable
Assistant Secretary of State
Washington
D. C.

Sir:

A new edition, corrected, of Spencers Prices current of the Havana Cigar factories, for 1893, being now issued, I beg to be advised if the Hon: Secretary of the Treasury desires that, as customary I shall purchase any given number of this edition, for the use of Appraisers and Collectors of Customs of the United States, and in that case that I may be instructed accordingly.

I may add, that in compliance

with a request from the
Appraiser of Customs at
Boston, I have this week
mailed him three copies
of said publication.

Very respectfully
Your obt servant,
Ramon O. Williams,
Consul General.

No. 2005

Consulate-General, U. S. A.,

Havana, Sept 28, 1893

Mr. Williams

To the Department of State.

Subject:

Case of Rowell at Santiago de Cuba.

Abstract of Contents.

No. 2005.

Consulate-General, U. S. A.,

Habana, Sept 28, 1897.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

In reply to the Department's instruction No. 846 of the 21st instant relating to the arrest of Mr. Ernest D. Rodell, an American citizen, at Santiago de Cuba, I have to report that I have written to-day to Hon. Hyatt, our consul at that port, requesting him to use his good offices to secure Rodell's release, the cognizance of the case being in charge of the civil court of the Southern District of that city.

I am, Sir,

Very respectfully,

Your obt. servant,

[redacted],

Consul General.

No. 2006.

Consulate-General, U. S. N.,

Havana, Sept 29th, 1893

Mr. Williams

To the Department of State.

Subject:

Case of Henry Howard.

Abstract of Contents.

Transmitting copies of communications.

2 Enclosures.

No. 2006.

Consulate-General, U. S. A.,

Havana, Sept. 29th, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

Replying to the Department's instruction No. 837 of the 23d. ultimo in relation to the case of Henry Howard, an American citizen, who for a supposed offense against the local law, has been delivered to the military instead of the civil jurisdiction for trial, contrary to the treaty stipulations between the United States and Spain, I have now the honor to enclose for the information of the Department a copy of my communication on this subject to the Captain General, dated the 22d. instant, as also of his attentive reply of the 25th.

It will be seen that the matter

matter is now under the consideration of the Judge Advocate (Auditor de guerra) of this District; and, that this office will be informed of the result as soon as he shall have given his opinion.

I understand indirectly that the assistant counsellor to whom the Captain General's note refers, has given it as his opinion that the case belongs to the ordinary and not to the military jurisdiction.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams,
Consul General.

2 Enclosures.
No. 1 - Mr. Williams to Governor General, Sept. 22 —
" 2 - Governor General to Mr. Williams, Sept. 24 —

Enclosure No.1.

With despatch No. 2006.

H A V A N A , September 29,1893.

Copy.

U.S.Consulate General.

HAVANA,September 22,1893.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

In order to reply to an instruction of my Government I beg to ask Y.E.to have the goodness to direct that this Consulate General be informed of the decision taken on my representation adressed to Y.E. on the 14th ultimo,in the case of the american citizen, Mr.Henry Howard,who has been subjected to the military, instead of to the ordinary jurisdiction of this district,for a supposed offense against the local law, contrary to the treaties existing between Spain and the United States.

I am etc., etc.

(Signed) Ramon O.Williams,

Consul General.

Enclosure No.1.

With Despatch No. 2006.

H A V A N A , Sept.29,1893.

Copy.

Consulado General de los

Estados Unides.

HABANA, Sept.22, 1893.

Excmo.Sr.Gobernador General de la Isla de Cuba.

Excmo.Sor:

A´ fin de contestar una instruccion de mi Gobierno ruego a´ V.E.se sirva mandar se informe a´ este Consulado General la resolucion dictada en mi representacion a´ V.E.del 14 del pasado en la causa del ciudadano americano, Mr.Henry Howard, que ha sido sometido a´ la jurisdiccion militar de este distrito en vez de a´ la ordinaria por supuesta infraccion de las leyes locales, contrario a´ los tratados vigentes entre España y los Estados Unidos.

Soy de V.E.con la mayor consideracion y respeto ato.s.s.q.b.s.m.

(Signed) Ramon O.Williams,

Consul General.

Enclosure No.2.

With Despatch No.2006.

H A V A N A , Sept.29,1893.

Translated by Consul General Williams.

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CAPTAINCY GENERAL of the ever faithful ISLAND of CUBA.

GENERAL STAFF.

To the Consul General of the United States,

Present.

Sir:

Replying to your attentive communication of the 22nd instant, I have the honor to inform you that the cause under examination against the american citizen, Mr. Henry Howard, was sent to the assistant military counseller for him to report upon the competency of the military jurisdiction in the cause, and his report has been referred to the Judge Advocate of the District. As soon as the latter officer gives his opinion, that Consulate General will be informed of whatever resolution that may be adopted.

God guard you many years.

HAVANA, Sept.25,1893.

(Signed) EMILIO CALLEJA.

Enclosure No.2.

With Despatch No.2006.

H A V A N A ,Sept.29,1893.

Copy.

CAPITANIA GENERAL de la siempre fiel ISLA de CUBA.

ESTADO MAYOR.

Excmo.Sr:

Contestando su atenta comunicacion de 22 del actual,me honro en participar á V.E.que la causa que se instruye contra el ciudadano americano Mr. Henry Howard,fué mandada al Teniente Auditor de guerra, para que informara sobre competencia del conocimiento de la misma,y en vista de lo informado por dicho funcionario,ha pasado al sr.Auditor del Distrito,el cual, tan pronto la devuelva con su dictámen se comunicará á ese Consulado General la resolucion que se adopte.

Dios guarde á V.E.muchos años.

HABANA,25 de Sptbre.de 1893.

(Signed) Emilio Calleja.

Excmo.Sr.Consul General de los Estados Unidos. HABANA.

Wm. Strobel

No. 2007

Consulate-General, U. S. A.,

Havana, Sept 29th, 1893

Mr. Williams

To the Department of State.

Subject:

Economic condition of Cuba.

Abstract of Contents.

No. 2007.

Consulate-General, U. S. A.,

Havana, Sept. 29th, 1896.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

Referring to my no. 1974 of the 26th ultimo reporting the agreement of the merchants and banking firms of this city, in view of the scarcity of gold, to receive the bills of the Spanish Bank of the Island of Cuba, at par, in the substitution of gold, for all transactions in foreign exchanges and the purchase and sale of merchandise in this market, I have now the honor to report that a telegraphic order having been received from the Colonial Minister by the Governor General not to receive these bills for duties at the custom house; that they are now quoted at 5 to 8 per cent discount in this market, in gold.

I am,

Sir, very respectfully,
Your obt. servant,
Ramm T. Williams,
Colonel General.

N.

No. 2008.

Consulate-General, U. S. A.,
Havana, Sept 29th 1893.

Mr. Williams

To the Department of State.

Subject:

Claim of Messrs. J. Meeke & C, of New York, against the collection of import duties on American codfish at Santiago de Cuba.

Abstract of Contents.

No. 2008.

Consulate-General, U. S. A.,

Havana, Sept. 29th, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that under your instruction N. 844 of the 16th. instant relating to the claim of Messrs. J. Meeke & C, of New York, against the collection by the custom house of Santiago de Cuba of $134.24 for import duties on American codfish, contrary to paragraph 32, schedule A of the reciprocity agreement, I have asked Mr. Hyatt, our consul, at that port to furnish me the particulars of this case, to be enabled to bring the matter in a definite and intelligible form before the superior authorities of this city.

I am, Sir, very respectfully,

Your obedient servant,

Ramon O. Williams,

Consul General.

No: 3009.

U.S. Consulate General.
Havana, Sept: 29 1893

Mr. Williams
to the
Department of State

Report on rent of offices in reply to Circular dated Sept 12/93

No. 2009.

U. S. Consulate General.
Havana, Sept 29th 1893.

Honorable
Assistant Secretary of State
Washington
D. C.

Sir:

In reply to Department of State circular, dated 12th instant with instructions to report on the office rent paid for this Consulate General &c, I beg respectfully to refer to my dispatch number 275, dated 15 September 1885, containing a full report on the rent, location, &c of the Consulate, and dispatch number 281, which transmitted a wood cut giving a view of the building in which the office is situated.

With the exception of the arrangement of the office furniture, and the acquisition of the room on the opposite side corresponding to room no 3, and off no 1, — as shown in the rough diagram which accompanied my dispatch no 275; — there has been no change in the offices. This room was allowed to the consulate by the management of the building, wherein to store the consular archives, boxes of invoices, and other lumber, in place of the room in the upper floor of the building which had been used for that purpose.

The rent of the offices remains the same; one hundred dollars U.S. per month.

Very respectfully
Your Obt Servant,
Lamon V. Williams
Consul General.

3RD ASSISTANT SECRETARY.
File
OCT 27 1893

TELEGRAM RECEIVED. Cipher

From Havana

October 2 1893

Received 5:10 P.M.

Secretary of State
Washington
D.C.

Have received communication from Central Section Treasury saying in view of refusal of the majority importers to pay tax twenty five cents for each ton merchandise landed on Custom House wharf for harbor works, Governor General has ordered fulfillment Royal Order Second June creating the same, without prejudice to calling the attention of Minister for the Colonies to opposition of importers to its payment.

Williams
Consul General

2.

No: 2010.

U. S. Consulate General.
Havana, October 2nd 1893

Mr Williams
to the
Department of State

Ans & Oct. 13

Repeal to visa a chinese passport -

One enclosure.

No: 7010.

U. S. Consulate General.
Havana, Oct. 2 1893.

To the
Honorable Assistant Secretary
of State,
Washington
D. C.

Sir:

I have to inform you that about three weeks ago, Wong You, a chinese, presented himself at this office in solicitation of the visa of this Consulate general to his passport issued by the Chinese Consul General for the United States, presenting as the evidence of the identification of his person, a document purporting to be the affidavit of his uncle, Sing Sum, of No 19, Pell St. New York, made on

August 7th last, before Notary
Public, Anthony Yeoman.
I enclose a copy of same.

This notorial document stated that he was five feet two inches in height; but upon comparison, his real height was about five feet eight inches; therefore, because of this discrepancy I refused to visa his passport.

The same chinese has today again returned with the same papers, correctly stating, this time, that he is five feet, eight inches in height, but without any explanation or note on the certificate to authorize this correction; and I have therefore again refused the visa; considering that the evidence presented, is not conclusive as to his identity, under the requirements of the circular of the Department

of State, dated August 24/93.

I am, Sir
Very respectfully
Your obedient servant,
Ramm O. Williams,
Colonel General.

Enclosure:
Copy of affidavit made by
Jing Nunn, New York, Aug 7th 1893.

Enclosure No.1.

With Despatch No.2010.

H A V A N A ,Sept.2,1893.

Copy.

State of New York. City and County of New York,: ss.

Sing Num,of No.19 Bowery of the cityand county of New York,did on this day personallt appear before me a duly authorized notary public in and for the said City and County of New York,and after being by me duly sworn, did depose and say:

My name is Sing Num. I am a native and subject of the Empire of China and have been inthe United States of America for 14 years. I have been for 10 years engaged in business at No.19 Bowery and in the City and County and State of New York,as a merchant. I have invested in said business at No.19 Bowery the sum of $5000 ($5000)

I further depose and say that I have a nephew now at Havana,Cuba,by name Wong You; that the said Wong You is 26 years of age,a resident of Cellibe Jonga,Havana,Cuba, that his height is five feet eight inches and that he is desirous of coming to the United States of America for purposes of education. I,being the uncle of said Wong You further will bind myself to be financially and otherwise responsible for my said nephew. Appended herete is a correct likeness of my said nephew Wong You.

(Signed) Sing Num.

Sworn and subscribed to before me this 7th day of August 1893. (Signed) Anthony Yeoman.

Notary Public No.4

(Here follows certificate of County Clerk)

A. 18 Oct. 93.

No 2011.

U.S. Consulate General
Havana, October 4 1893.

Mr. Williams
to the
Department of State.

Estate of John C. Nolan.

Two enclosures.

No: 2011.

U. S. Consulate General.
Havana, Oct: 4 1893.

To the Honorable
Assistant Secretary of State,
Washington
D. C.

Sir:

With refereince to previous correspondence respecting the estate of John C. Nolan, I have now to advise the Department of the receipt of an official note from the Secretary of the General Inspection of Charities of this Island, asking to be informed as to the present owners of the houses 12, 14, 16 and 18, Ferrer Street, belonging to the said estate. I have replied, that upon the death

of Mr. John C. Nolan, a citizen of the United States, proceedings were instituted in accordance with the Law relating to Foreigners, which resulted in the temporary charge of said property by this Consulate General, in await of the presentation of the heirs, either in person, or by attorney, but that no information had as yet been received as to the legitimate heirs. I also stated that the matter would be submitted to the Department of State for instructions. I accompany copies of this correspondence.

1/2

In resume of this case, I will now say: that in dispatch, No. 639, of May 14 1887, I advised the Department of the death of Mr. John C. Nolan, and the inventory of his effects.

In no. 684. of July 14th; that an attachment upon the rents of four small houses belonging to the estate, had been levied in a suit against the "Caja de Ahorros", or Savings Bank, from which Nolan had acquired the property; and in no 689, July 21, of my demand upon the judicial authorities to obtain possession of said houses for the estate.

In dispatch no. 743, of January 14th 1888, I transmitted copies of my correspondence with the Chief Collector of Public Revenues, regarding the non-payment of dues at the time of the transfer of the property to Nolan, for which reason the houses had not been properly inscribed in the Register of Real Estate; and asked the Department for instructions.

I also advised the Department, on the 19th of January, 1888, no 745 -, of the presentation of a further demand against the estate, for $63.28, as the amount of interest since November 17th 87, on a mortgage on said houses recorded in favor of the Hospital San Lazaro.

In its instruction no 927, January 25, regarding this case, the Department stated

"that it was my duty to do
"everything in my power to
"protect the interests of the
"estate by securing possession
"of the houses; and that
"I must use every effort to pre-
"vent the property from slipping
"away on account of the small
"claim of the Spanish authori-
"ties, suggesting that I advance
"the amount; at the same time,
"that my action in the premises
"must be upon my own undivided

responsibility,
"and if I advanced anything
"upon the houses myself, it
"must be upon the security of
"the houses, and not from the
"expectation that the Government
"would refund the amount,
"if the sale of the houses did
"not.."

In no 756, February 17th I informed the Department that in accordance with instructions I had advanced the sum necessary for payment of the register dues; adding, moreover, that the heirs had been early advised of Mr. Nolan's death, and had had ample time to send funds for payment of all charges, as well as to appoint an agent for the care, sale and division of the property: I also mentioned the discovery of another mortgage for $2700. due April 1st 1888,

but which for certain good reasons was believed to be fraudulent, and afterwards resulted so.

In dispatch No. 778, of April 21st the Department was informed, that by the employment of a lawyer, and the advancement of necessary expenses amounting to over $250,- exclusive of the lawyer's fee,- I had obtained by order from Court, possession of said houses. I also transmitted copies of correspondence with two lawyers, of San Francisco and Brooklyn respectively, who represented themselves as the attorneys of the heirs.

On October 12 1888, in dispatch No 858, I informed the Department of having paid a bill for repairs on the houses, necessary to render them habitable, and rent-productive, which increased the amount then advanced by me on account

of said estate, to over - $430 -
Spanish gold.-

Since this last date, I have regularly paid the current taxes, and other charges on the property, as well as repairs, crediting to myself the sums received for rents, for the collection of which I have had to employ an agent.-

The amount received from rents of the four houses to June 30th last, is . . . . $1.032.85.
and amount expended by me to date, is . . . $1.046.96.
leaving a small balance in my favor, which will be cancelled by the receipt of the rents due for last quarter.

I am now informed by Mr. Garcia, the lawyer who was employed by me to examine the records, investi-

gate

gate the matter, and attend to to the register of the property, — and who has not yet been paid for his services, — that the mortgage on the four houses amounting to $791.04, recorded in favor of the San Lazaro Hospital, and referred to in my dispatch no 745, will become due on the 17th November next, and that the Administration of the Hospital had commenced a judicial suit for its foreclosure, demanding payment of the principal and the interest due for the two years past. This interest, annually $63.28, I had paid to November 1890, the estate remaining always in my debt, but I refused to make the last two annual payments, not having funds on hand belonging to the estate.

Awaiting further instructions
in this case,

I am. Sir.

Very respectfully

Your obt servant.

Ramon O. Williams

Consul General.

Inclosures.

1- Mr Ramon Carrera y Lugay. to
Mr Williams; Sept 6-1893;

2. Mr Williams, to Mr Carrera
y postscript. Sept 6-1893.

Enclosure No. 1.

With Despatch No. 2011-

H A V A N A , ~~September~~ Oct 4 1893.

Copy.

The SECRETARY of the GENERAL INSPECTION of CHARITY of the ISLAND of CUBA presents his respects to the CONSUL GENERAL of the UNITED STATES at HAVANA, and begs to be informed, for the benefit of public charity, who are the present proprietors of the houses Nos.12,14,16 and 18 Barrer street, which belonged to Mr.John C.Nolan, of whom, according to antecedents, you were attorney.

FRANCISCO CARRERA y JUSTIZ, avails himself of the occasion to reiterate to the CONSUL GENERAL of the UNITED STATES the assurances of his most distinguished consideration.

HABANA, 29 August , 1893.

Enclosure No. 1.

With Despatch No. 2011

H A V A N A , ~~September~~ Oct 4 1893.

Copy.

El SECRETARIO de la INSPECCION GENERAL de BENEFICENCIA de la ISLA de CUBA B. L. M. al Sr. CONSUL GENERAL de los ESTADOS UNIDOS en la HABANA y tiene el honor de rogarle se sirva informarle, en obsequio á fines de beneficencia pública, quienes sean los actuales propietarios de las casas Nos.12,14,16 y 18 de la calle de Ferrer, que pertenecieron á D. Juan C.Nolan, de quien, segun antecedentes, fue V. apoderado.

FRANCISCO CARRERA y JUSTIZ, aprovecha esta oportunidad para reiterar al Sr.CONSUL GENERAL de los ESTADOS UNIDOS en esta Capital la seguridad de su consideracion mas distinguida.

HABANA, 29 de Agosto de 1893.

Enclosure No. 2

With Despatch No. 2011

HAVANA, ~~September~~ Oct 4 1893.

U.S.Consulate General.
Copy. Havana, Sept.6, 1893.

To the Secretary of the General Inspection
of Charity of the Island of Cuba.

Sir:

In answer to your note of the 29th ultimo I have the pleasure to inform you that upon the death of Mr.John C.Nolan, a citizen of the United States, without leaving a will, proper proceedings were instituted for the making of the inventory and custody of his property; and that this Consulate General took charge of the same in accordance with the provisions of article 44 of the Law relating to foreigners, without having as yet received information as to who are the legitimate heirs. Notwithstanding, and in view of your communication, I will submit the matter to the Department of State at Washington in solicitation of instructions, without prejudice to the stipulations in such cases of article 11 of the Treaty of 1795 between Spain and the United States.

I am, Sir, etc. etc.

Signed: Ramon O.Williams,

Consul General.

Enclosure No. 2

With Despatch No. 2011

H A V A N A , ~~September~~ Oct 4 1893.

Copy.

En contestacion á su atento B.L.M.fecha 29 del mes ppdo.tengo el gusto de manifestarle,que al fallecimiento intestado del ciudadano de los Estados Unidos D.Juan C.Nolan se promovieron las oportunas diligencias para el inventario y custodia de sus bienes,habiéndose hecho cargo este Consulado General de ellos en virtud de lo dispuesto en el artículo 44 de la Ley de extrangeria,sin saber hasta ahora quienes sean sus herederos legítimos.

No obstante,en vista de lo espuesto por V.,me propongo comunicar este asunto al Ministerio de Estado de los Estados Unidos á fin de obtener las instrucciones que crea mas convenientes,y sin perjuicio de lo que ordena para que en estos casos el artículo 11 del Tratado de 1795 entre España y los Estados Unidos.

Dios guarde á V.muchos años.

Habana,Setbre.6 de 1893.

Signed: Ramon O.Williams,

Consul General.

Sr.Secretario de la Inspeccion General de Beneficencia de la Isla de Cuba.

No. 2012.

Consulate-General, U. S. A.,

Havana, Oct 5th, 1893.

Mr. Williams

To the Department of State.

Subject:

Asking for six copies of Repertory corresponding to the commercial agreement between the United States and the Dominican Republic.

Abstract of Contents.

No. 2012.

Consulate-General, U. S. A.,

Havana, Oct. 5th, 1895

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I beg to ask the Department to please forward for the use of this office six copies of the reports corresponding to the Commercial Agreement between the United States and the Dominican Republic.

I am, Sir,

Very respectfully,

Your Obt. Servant,

Lamar C. Williams

Consul General.

No. 2013.

Consulate-General, U. S. A.,

Havana, Oct. 5th, 1893.

Mr. Williams

To the Department of State.

Subject:

Attachment on the property of Messrs. Henry B Hamel & Co, American citizens, commission merchants of Havana.

Abstract of Contents.

1 Enclosure

No. 2013.

Consulate-General, U. S. A.,

Havana, October 5th, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that in consequence of a letter received from Messrs. Henry B. Hamel & C, American citizens, and established in this city as commission merchants in the trade between this Island and the United States, complaining against an attachment placed on their property by command of the Chief of the Bureau of Arrears, without an order of any competent court of the ordinary jurisdiction to authorize such a proceeding, upon the plea that they exercise the occupation of bankers, without license, I addressed a communication under date of the 4th instant to the Governor General in

opposition

to the said proceeding, and asking that he be pleased to order that the attachment be immediately raised and the case be heard by a competent court in accordance with article 7 of the treaty of 1795 between Spain and the United States. I enclose
1/ copy and translation of my said communication.

I am, Sir,
Very respectfully,
Your obt. servant,
Samm O. Williams,
Consul General.

1 Enclosure:
No. 1 - Mr. Williams to the Governor General, October 4 -

Enclosure No.1.

With Despatch No. 2013.

H A V A N A , October 5, 1893.

Copy.

U.S.Consulate General.

HAVANA, October 4, 1893.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

In obedience to the general instructions of my Government, I have the honor to present to the consideration and decision of Y.E., the following case:

Messrs. HENRY B. HAMEL and Co., American citizens, with residence in this city, and established in the trade between this Island and the United States, complain to this Consulate General, that on the 29th ultimo certain officials of the Regional Government entered their premises, and without exhibiting or notifying them of any order issued by the judge of any competent court, proceeded forthwith and solely by command of the Chief of the Provisional Section of Arrears, to lay an attachment upon their property within the said premises, for the collection of $1659.37, upon the allegation that the said firm exercises the occupation of banking merchants in this city without license.

In their complaint to this Consulate General, Messrs.HENRY B.HAMEL and Co.,affirm that they owe no arrears of taxes,having paid them to date,according to their legitimate classification as commission and not banking merchants; that their license granted them by the Government permits them,in common with all commission merchants,to buy and sell on orders for foreign account,reimbursing themselves when they ship against orders,by their own drafts on the parties abroad for whose account they may have made shipments, which drafts they sell,with or without shipping documents attached,to the bankers and others in the market; that,also,they reimburse their correspondents abroad for the net proceeds of merchandise consigned to them for sale,by the purchase of bills of exchange from the bankers and others,which they remit to their said correspondents; that this is the order observed by the commission merchants of all countries; it is,therefore,general,being imposed and determined not by caprice or by ingenuity of invention,but by the very nature and necessity of the case; and as such is sanctioned by the codes of commerce of all countries, affirming further that these methods are not alterable at the wish or command of any Government official; and that,in view thereof,they claim that this proceeding on the part of the Section of Arrears is contrary

to the facts, contrary to reason and justice, as well as violative of the rights secured them by the treaty between Spain and the United States.

And now, Excellency, on complying with the said instructions of my Government in the presentation of this case to the attention of your superior authority, I would most respectfully observe that: in the exchange of the products of the earth and of human labor which more than any other means holds distinct peoples in ties of friendship and of intellectual intercourse, it is reserved for the special function of the merchant, in the general system of commerce, to promote and preserve this good relationship; and that in its performance he has often to fix his residence abroad, where he becomes the beneficent instrument for the exchange of the products of his native country for those of the country of his residence. Thus we see Spanish merchants established in London and Liverpool, and British merchants in Bilbao, Cadiz and Barcelona; Spanish merchants in New York, as well as American merchants in Havana, and the like in all countries. Hence, it is in recognition of this international usefulness of the merchant, that proper provisions are made in all treaties of commerce and navigation for the protection of his person and property by the laws to be justly administered, by the civil courts of the contracting nations. And Spain and the United States,

being no less solicitous in encouraging this friendly purpose than other nations, have stipulated under article 7 of the treaty of 1795, as follows:

"And it is agreed, that the subjects or "citizens of each of the contracting parties, "their vessels or effects, shall not be liable to "any embargo or detention of the part of the "other, for any military expedition or other "public or private purpose whatever. And in all "cases of seizure, detention or arrest, for debts "contracted, or offences committed, by any citizen "or subject of the one party, within the juris- "diction of the other, the same shall be made and "prosecuted by order and authority of law only, "and according to the regular course of pro- "ceedings usual in such cases. The citizens and "subjects of both parties shall be allowed to "employ such advocates, solicitors, notaries, agents "and factors as they may judge proper in all their "affairs, and in all their trials at law, in "which they may be concerned, before the tribunals "of the other party, and such agents shall have "free access to be present at the proceedings "in such causes, and at the taking of all examina- "tions and evidence which may be exhibited in "said trials".

This reciprocal protection, to the citizens and subjects of the contracting parties, is no less signified by the first paragraph of article 22 of the same treaty of 1795, which, expressly preserved by article 12 of the treaty of 1819, says:

> The two high contracting parties, hoping "that the good correspondence and friendship "which happily reigns between them, will be "further increased by this treaty, and that it "will continue to augment their prosperity and "opulence, will, in future give to their mutual "commerce all the extension and favor which the "advantages of both countries may require".

Accordingly, this Consulate General, cannot but maintain that the Chief of the Provisional Section of Arrears, in attaching the property of Messrs. HENRY B. HAMEL and Co, without an order from a competent court, has proceeded without regard to the legal precepts that for such cases have been accepted by the two nations, against the citizens and subjects of the one party within the jurisdiction of the other. For it is clear in this case against Messrs. HENRY B. HAMEL and Co, that that office has formed the indictment against them, found them guilty of the charge, and also imposed the sentence, without granting them a hearing;

that on their refusal to pay, it has proceeded so far as to attach their property, for the enforcement of the collection of the claim from the proceeds of sale at public auction. Thus, that office has not only acted as accuser, but also as judge; assuming thereby functions reserved by the treaty exclusively to the judicial branch of the government of this Island. No Spanish subject could be tried upon a like charge in the United States under such procedure; for there the treaties with foreign countries, under article sixth of the federal ~~law~~ Constitution form part of the supreme law of the land, to which all local law and regulations must conform. Therefore, this treaty which I am now citing in favor of these American citizens, forming a part of the supreme law of the United States, a Spanish merchant or subject, under a like charge, would have been tried in the said States by a competent court of ordinary jurisdiction, and not by an administrative bureau, as has occurred in this case of Messrs. HENRY B. HAMEL and Co. Spain has also given repeated proofs that her treaties with foreign nations form, likewise, part of her supreme law.

this change is made agreeable to J. C. General in Desp. No. 2015. Oct-9. 1893.

Therefore, I have to ask that Y.E. be pleased to order in conformity with the terms of the treaty of 1795:

First,-- that the attachment be inmediately

removed from the property of Messrs.HENRY B.HAMEL and Co.

Second,-- that the Chief of the Section of Arrears be instructed to present his accusation against Messrs.HENRY B.HAMEL and Co.to whatever court may be competent for the trial of the case within this judicial district; and

Third,-- that Messrs.HENRY B.HAMEL and Company be allowed the free exercise before the court of the legal rights of defense,accorded them as american citizens under the above cited article 7 of the treaty of 1795.

I have the honor to be,very respectfully,Y.E.'s most obedient servant,

(Signed) Ramon O.Williams,

Consul General.

Enclosure No. 1.

With Despatch No. 2013.

H A V A N A , October 5, 1893.

Copy.

Consulado General de los

Estados Unidos.

HABANA, Octubre 4 de 1893.

Excmo.Sr.Gobernador General de la Isla de Cuba.

Excmo.Sr:

Obedeciendo instrucciones generales de mi Gobierno, tengo el honor de presentar á la consideracion y resolucion de V.E.el siguiente caso:

Los Sres.HENRY B.HAMEL y Ca., ciudadanos americanos, residentes y establecidos en esta ciudad dedicados al comercio entre los Estados Unidos y esta Isla, se quejan ante este Consulado General de que el dia 29 del mes último ciertos funcionarios del Gobierno Regional penetraron en sus oficinas, y sin exhibirles ni notificarles de ninguna orden expedida por tribunal competente, procedieron en seguida, y solo por mandato del Sr.Jefe de la Seccion Provisional de Atrasos, á embargarles sus propiedades para el cobro de $1659.37, alegando que dichos Sres.ejercian sin matrícula la ocupacion de comerciantes banqueros en esta plaza.

En su representacion á este Consuladogeneral, los Sres.HENRY B.HAMEL y Ca.afirman que no deben arbitrios atrasados,habiéndolos satisfechos hasta la fecha,conforme á su legítima clasificacion de comerciantes comisionistas y nó banqueros; que su matrícula los autoriza,al igual que los demás comerciantes comisionistas,para comprar y vender por orden y cuenta del extrangero,reembolsándose,cuando hacen embarques cumpliendo alguna orden,por medio de sus propias letras giradas á cargo de las casas extrangeras por cuenta de las cuales hayan verificado estos embarques,cuyas letras venden,con ó sin acompañar documentos de embarque,á los banqueros y á otros en plaza; que,tambien reembolsan á sus corresponsales en el extrangero el producto líquido de la mercancia á ellos consignada para su venta; comprando á los banqueros y demas letras de cambio que remiten á sus referidos corresponsales; que este es el método observado por los comerciantes comisionistas en todas partes; siendo por lo tanto,general,y adoptándose no por capricho ni invencion,sino por requerirlo asi la naturaleza y necesidad de la transaccion; y como tal lo sancionan los códigos de comercio de todas las naciones; afirmando ademas que este método no está sujeto á alteracion por deseo ó mandato de ningun funcionario público; y que,en vista de lo cual,manifiestan que este proceder por parte de la Seccion de Atrasos es contrario á los hechos,contrario á la razon y á la justicia,y por lo

tanto constituye una violacion de los derechos que les brinda el tratado entre España y los Estados Unidos.

Ahora bien, al cumplir, Excmo.Sr., con las instrucciones de mi Gobierno sometiendo este caso al recto criterio de V.E.me permitiré observar: que en el cambio entre productos de la tierra y del trabajo humano que es lo que mas contribuye á sostener y desarrollar entre distintos pueblos los vínculos de amistad y las relaciones intelectuales, le está reservado al comerciante, en el sistema general del comercio, conservar y fortalecer estas buenas relaciones; viéndose en este ejercicio precisado amenudo á fijar su residencia en el extrangero donde se convierte en benéfico instrumento del cambio de los productos de su pais natal por los de aquel en que reside. Asi es que nos encontramos tanto con comerciantes Españoles establecidos en Lóndres y Liverpool, como Ingleses en Bilbao, Cadiz y Barcelona; comerciantes Españoles en Nueva York lo mismo que Americanos en la Habana, sucediendo lo propio en todos los paises. Es, pues, en reconocimiento de la utilidad internacional que reporta el comerciante, por lo que se le dedican medidas propicias en los tratados de comercio y navegacion entre las naciones civilizadas, para la proteccion de su persona y propiedades por las leyes, que han de ser aplicadas rectamente por los tribunales civiles de las naciones contratantes. Y España y los Estados Unidos no menos solícitas en alentar estos fines amis-

tosos que otras naciones,han estipulado bajo el articulo 7 del tratado de 1795,lo siguiente:

"Se ha convenido que los súbditos y ciu-
"dadanos de cada una de las partes contratantes,
"sus buques o efectos no podrán sujetarse á nin-
"gun embargo o detencion de parte de la otra,
"á causa de alguna expedicion militar,uso público
"ó particular de cualquiera que sea. Y en los
"casos de aprehension,detencion ó arresto,bien
"sea por deudas contraidas ú ofensas cometidas
"por algun ciudadano o súbdito de una de las
"partes contratantes en la jurisdiccion de la
"otra,se procederá unicamente por orden y au-
"toridad de la justicia,y segun los trámites
"ordinarios seguidos en semejantes casos. Se
"permitirá á los ciudadanos y súbditos de ambas
"partes emplear los abogados,procuradores,nota-
"rios,agentes ó factores que juzguen mas á pro-
"pósito en todos sus asuntos y en todos los plei-
"tos que podrán tener en los tribunales de la
"otra parte,á los cuales se permitirá igualmente
"el tener libre acceso en las causas,y estar
"presentes á todo exámen y testimonio que podrán
"ocurrir en los pleitos".

Esta proteccion recíproca á los ciudadanos o súbditos de las partes contratantes se halla no menos

significada

por el primer párrafo del artículo 22 del mismo tratado de 1795, el cual, expresamente conservado por el artículo 12 del tratado de 1819, dice:

"Esperando las dos altas partes contratantes
"que la buena correspondencia y amistad que
"reina actualmente entre si se estrechara mas
"y mas con el presente tratado, y que contribuira
"á aumentar su prosperidad y opulencia, conce-
"deran reciprocamente en lo sucesivo al comercio
"todas las ampliaciones o favores que exigiese
"la utilidad de los dos paises".

Por consiguiente, este Consulado General no puede menos de sostener que el Sr. Jefe de la Seccion Provisional de Atrasos al embargar las propiedades de los Sres. HENRY B. HAMEL y Ca. sin orden de tribunal competente, ha procedido sin consideracion a los preceptos legales que para estos casos han aceptado las dos naciones, contra los ciudadanos ó subditos de una parte dentro de la jurisdiccion de la otra. Es pues, evidente en este caso contra los Sres. HENRY B. HAMEL y Ca que la citada oficina ha formulado la acusación contra ellos; los ha juzgado culpable del cargo que les imputa, y tambien les ha impuesto la sentencia, sin oirlos; y que al negarse aquellos Sres. al pago, la Seccion de Atrasos ha procedido hasta el extremo de embargarles sus propiedades para cobrarse la reclamacion con el producto de estas vendidas en publica subasta. Por lo tanto, aquella oficina no

solo ha hecho las veces de fiscal sino de Juez al mismo tiempo; asumiendo de este modo las funciones reservadas por el tratado exclusivamente para el ramo judicial de esta Isla. Ningun súbdito español podrá ser juzgado bajo el mismo cargo en los Estados Unidos por semejante procedimiento; porque allá los tratados con las naciones extrangeras, bajo el artículo 6 de la Constitucion federal forman parte de la ley suprema de la nacion, á la cual tiene que conformarse toda ley local y reglamentos. Asi pues, en vista de formar este tratado, que tengo la honra de citar á V.E. á favor de estos ciudadanos americanos, parte de la ley suprema de los Estados Unidos, un comerciante ó un súbdito español, bajo análogo cargo, hubiera sido juzgado en dichos Estados por tribunal competente de la jurisdiccion ordinaria, y no por una oficina administrativa, como ha acontecido en este caso de los Sres. HENRY B. HAMEL y Ca. España ha dado tambien repetidas pruebas que sus tratados con naciones extrangeras forman, asimismo, parte de su ley suprema.

Por tanto ruego á V.E. se sirva ordenar, de conformidad con los términos del tratado de 1795:

Primero,- que se levante inmediatamente el embargo sobre los bienes de los Sres. HENRY B. HAMEL y Ca.

Segundo,- que se instruya al Sr. Jefe de la Seccion de Atrasos á fin de que presente su acusacion

contra los Sres.HENRY B.HAMEL y Ca a cualquier tribunal que sea competente para juzgar el caso en los terminos de este distrito judicial y

Tercero,- que se les permita a los Sres.HENRY B.HAMEL y Ca el libre ejercicio ante el tribunal de los derechos legales de defensa a que son acreedores como ciudadanos americanos segun el citado articulo 7 del tratado de 1795.

Tengo el honor de suscribirme de V.E.,con la mas alta consideracion y respeto,ato. s.s.q.b.s.m.

(Signed) Ramon O.Williams,

Consul General.

FILE

No. 2014.

U.S. Consulate General
Havana, October 9. 1893.

Mr. Williams
to the
Department of State.

Transmitting accounts
for quarter Sept 30 1893

5 enclosures.

No. 2014.

U. S. Consulate General.
Havana, Oct. 9th 1893.

Honorable
Assistant Secretary of State,
Washington
D. C.

Sir:

I herewith transmit as per list of enclosures, the accounts and returns of this office for the quarter ending September 30th 1893.

I am, Sir,
Very respectfully.
Your obedient servant,
Fanm'l Williams
Consul General.

Enclosures.
No 1. arrivals and departures of American vessels;
" 2; record of notarial fees;

No 3. account for miscellaneous
expenses;
" 4. account for extra clerkhire,
" 5. account for salary of
Consular clerk Springer.

No. 2015.

A. 24 Oct. '93. Made the change desired.

Consulate-General, U. S. A.,

Havana, October 9th, 1893

Mr. Williams

To the Department of State.

Subject:

Rectifying error in enclosure accompanying despatch No. 2013.

Abstract of Contents.

No. 2015.

Consulate-General, U. S. A.,

Habana, Oct. 9th, 1893

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

On revision of the press copy of the enclosure accompanying my despatch no. 2013 relating to an affair of Messrs. Henry B. Hamel & Co, I notice that on page 6, line 11, it says: "under article sixth of the federal law"; instead of "under article sixth of the federal constitution". I have therefore to ask that you be pleased to order that the proper correction be therein made, so that it may read federal constitution.

I am Sir,

Very respectfully,

Your obt servant,

Lam D. Williams,

Consul General.

No. 2016.

Consulate-General, U. S. A.,

Havana, October 9, 1893.

Mr. Williams,

To the Department of State.

File

Subject:

Acknowledging receipt of Department's circular dated September 19, 1893.

Abstract of Contents.

Calling attention to the executive order dispensing with certain of the quarterly and annual returns required by the Consular Regulations.

No. 2016.

Consulate-General, U. S. A.,

Havana, October 9, , 1897.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's circular dated the 29th ultimo, calling my attention to the executive order dispensing with certain of the quarterly and annual returns required by the Consular Regulations, the requirements of which will be observed.

I am, Sir,

Very respectfully,

Your obedient servant,

[signature]

Consul General.

Received & approved
a. 21. oct. 93

No. 2017.

Consulate-General, U. S. A.,

Habana, Oct. 9, 1893

Mr. Williams

To the Department of State.

Subject:

Attachment on the property of Messrs Henry B. Hamel & C.

Abstract of Contents.

Inc

No. 2017.

Consulate-General, U. S. A.,

Havana, Oct. 9th, 1895.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

With reference to my despatch no. 2013 of the 5th instant in relation to the attachment placed on certain properties within the premises of Messrs. Henry B. Hamel & C., I have now the honor to enclose copy of the note I addressed the Governor General on the 7th instant regarding the extension of this attachment to other properties upon the plea that the ones first attached were not of sufficient value to respond for the $ 1659 37/, claimed by the Section of Arrears, and asking the Governor General to have the goodness to order that attachment proceedings be suspended till he shall have decided on the merits of my

communicatio

communication of the 4th instant.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramsay O. Williams
Consul General.

1 Enclosure:
No. 1 — Mr. Williams to the Governor General — October 7th —

Enclosure No.1.

With Despatch No. 2017

HAVANA, October 9th 1893.

Copy.

U.S.Consulate General.

HAVANA, October 7, 1893.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

With reference to the communication I had the honor to address Y.E.on the 4th instant in relation to the attachment of certain properties within the premises of Messrs.Henry B.Hamel and Co., American citizens, I have now to inform Y.E.that this attachment was amplified yesterday without the order of any court of ordinary jurisdiction and solely by command of the Chief of the Section of Arrears, by its extension to other properties, which I understand do not belong to Messrs.Henry B.Hamel and Co.; but consist of merchandise consigned to them as commission merchants by other American citizens, resident in the United States. In consequence I have to ask Y.E., to have the goodness to order in the exercise of your superior authority, that the said attachment proceedings be suspended till Y.E.shall have decided on the merits

of my said communication of the 4th instant.

I have the honor to be, very respectfully, Y.E's obedient servant,

(Signed) Ramon O.Williams,

Consul General.

Enclosure No.1.

With Despatch No. 2017.

H A V A N A , October 9th 1893.

Copy.

Consulado General de
los Estados Unidos.
HABANA, Octubre 7 de 1893.

Excmo.Sr.Gobernador General de la Isla de Cuba.

Excmo.Señor:

Con referencia á la comunicacion que con fecha 4 del corriente tuve la honra de dirigir á V.E.respecto al embargo de ciertas propiedades dentro de las oficinas de los Sres.Henry B.Hamel y Ca, ciudadanos americanos, tengo que informar á V.E.que este embargo ha sido ampliado ayer sin orden de ningun tribunal ordinario y solamente por mandato del Sr. Jefe de la Seccion de Atrasos, haciéndose extensivo á otras propiedades que entiendo no pertenecen á los Sres.Henry B.Hamel y Ca.; sino que consisten en mercancias á ellos consignadas en su calidad de comerciantes comisionistas, por otros ciudadanos americanos residentes en los Estados Unidos. Por consiguiente, me veo en el caso de rogar á V.E.tenga á bien ordenar en uso de su superior autoridad, se suspendan los trámites de apremio hasta que resuelva V.E.sobre los

meritos de mi referida comunicacion del 4 del que cursa.

Tengo el honor de reiterar a V.E.el testimonio de mi mayor consideracion.

(Signed) Ramon O.Williams,

Consul General.

No. 2018

Consulate-General, U. S. A.,

Havana, October 11, 1893.

Mr. Williams

To the Department of State.

Subject:

Receipt of two American flags.

Abstract of Contents.

No. 2018.

Consulate-General, U. S. A.,

Havana, October 11, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of two American flags sent to me by the Department of State for the use of this office.

I am, Sir,

Very respectfully,

Your obedient Servant,

Ramon O. Williams,

Consul General.

No. 2019.

Consulate-General of the United States,

Havana, October 11th, , 1898.

a. 24. oct. 98.

Mr. Williams

To the Department of State.

Subject:

Complaint of Mr. Juan Francisco Steffen, a naturalized citizen of the United States, against the ill treatment which he alleges to have received at the hands of the Havana police.

Abstract of Contents.

Transmitting copy of complaint.

No. 2019.

Consulate-General of the United States,

Havana, October 11th, 1895.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to submit the accompanying complaint, dated the 6th instant, of Mr. Juan Francisco Steegers, a naturalized citizen of the United States, against the ill treatment which he alleges to have received, on the 20th of August last, at the hands of officer 311 of the Havana police, and of subsequent subjection to proceedings of the military jurisdiction.

Mr. Steegers, was born a Spanish subject in this city on the year 1856; went to Key West, Florida, in 1860, and resided there 14 years, and when of age obtained a certificate of citizenship from the U.S. District Court

Court, E. C. Locke, Judge, upon motion of Mr. Maloney, April 10, 1894.

He came to Havana in 1878, and was registered at this office on the 4th June of the same year; and has resided here to the present; that is fifteen years, occupied as a photographer and reporter. He is not certain if he shall return to the United States for residence, but since taking of his residence here in 1878, has been there several times on visits.

In view of the facts above stated, I beg to ask the Department for instructions, as to whether this office shall present a complaint to the Governor General in behalf of Mr. Steegers.

I am, Sir, very respectfully,
Your obt. servant,
Sam C. Hill,
Consul General.

1 Enclosure: Copy of Mr. Steegers' complaint

Enclosure No.1.

With Despatch No. 2019.

H A V A N A , October 11, 1893.

Copy.

To the U.S.of AMERICA CONSUL GENERAL at HAVANA.

The undersigned, American citizen, and at present a resident of this city, begs to report to you the following claim:

That on the 20th of August last, at about half past eleven o'clock A.M. and while he was in the "Casa de Socorros de la primera demarcacion" with the only view to gather up reports for the newspaper "La Lucha", of which he is a Reporter, he was insulted, assaulted and taken into prison by the officer of "Órden Público" No.311, without any previous provocation on the part of the complainant: That the above facts were witnessed by Mr.J.Sanchez Quiros, Assistant Physician of the said "Casa de Socorros", and by Mr.Jose Jimenez: The complainant has to express you that he had obtained a competent permit from Dr.Nuñez de Castro to get access to said "Casa de Socorros" before he got in: That immediately after the assault took place, he was conducted to the "Celaduria del Angel", where he was arraigned and ordered to appear next day to the presence of the Chief of Police, and after that in different times later on into the presence of the Chief of the "Mayoria

General de Plaza", where he had to swear a declaration, having been notified that he is under the action of the Laws and subject to the jurisdiction of the War Department, under the strict obligation to appear personally in this last office on the 10th, 20th and 30th of every month.

Now, Sir, as the complainant is absolutely ignorant of the causes leading to the ill treatment he is a victim and being sure there has been no room for same, and he is suffering the consequences of that arbitrary act on the part of the authorities who have taken such action against him, he respectfully begs of you to take these facts into your consideration, and to do the necessary in his behalf if you deem it worth of your attention.

HAVANA, October 6th, 1893.

Very respectfully yours,

(Signed) JUAN FCO. STEEGERS.

TELEGRAM RECEIVED. Cipher

From Havana

October 14, 1893.

Secretary of State

Washington

D.C.

Received M.

Ministrie for Colonies having decided American canned meats not free of duty under reciprocity treaty, Collector of Customs therefore demands ~~payments~~ of E. Aguilera & Co. payments, within three days, two thousand four hundred eighty six dollars as duties; otherwise collection will be enforced by executive procedure. Please to instruct.

Williams

Consul General.

For Reference
Page 24

No. 14

No. 2020.

Consulate-General of the United States,

Havana, October 14th, 1893.

Mr. Williams

To the Department of State.

a.124. Oct. 93.

Subject:

Answering Department's instruction No. 845 in relation to the complaint of Messrs. A. R. Whitney & C., of New York.

Abstract of Contents.

Transmitting copy of communication to the Governor General.

1 Enclosure.

No. 2020.

Consulate-General of the United States,

Havana, October 14th, 1895.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform you that as directed by the Department's instruction No. 845 of the 16th ultimo, I addressed a communication to the Governor General yesterday in relation to the complaint of Messrs. A. K. Whitney & C., of New York, against the interpretation under which the customs authorities of this Island refuse to admit American iron wire (in) nails free of duties, as accorded and plainly stated under paragraph 13 Schedule A of the Reciprocity Agreement between Spain and the United States.

Messrs. A. K. Whitney & C., in their letters to the Department, dated

dated the 15th of April, 15th of August, and 9th of September, respectively, of the present year, make no specification of facts as to shipments, amounts of duties charged &c., necessary as the grounds of complaint. In consequence, I have obtained these from Messrs. Henry B. Hamel & Co., and have incorporated them in my said communication to the Governor General, copies of which, in Spanish and English, are herewith accompanied for the information of the Department.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramm O. Williams,
Consul General.

1 Enclosure:
No. 1 - Mr. Williams to the Governor General, October 13, 1893.

Enclosure No. 1.

With Despatch No. 2020.

H A V A N A , October 14th 1893.

Copy.

U.S.Consulate General.

HAVANA, October 13, 1893.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

By a special instruction of my Government, I am directed and now have the honor to present to Your Excellency's attention and decision the complaint of Messrs. A.R. Whitney and Co, of New York, against the interpretation under which the customs authorities of this Island refuse to admit American iron wire in nails free of duties, as accorded under paragraph 13 of schedule A of the Reciprocity Agreement between the United States and Spain, which says:

"Iron, wrought, and steel, in wire, nails,
"screws, nuts, and pipes";

but instead of which the customs authorities have imposed duties amounting to $107.16 on 115 kegs of iron wire in nails received at this port on the 15th of February last by spanish steamer "Panama", and others amounting to $205.48 on 103 kegs nails

of the same kind by spanish steamer "Habana" arrived on the 5th of August last, both lots consigned to Messrs. Henry B. Hamel and Co of this city, the said authorities basing this erroneous appraisement under paragraph 51 schedule C of the reciprocity agreement, which says:

"Iron, wrought, and steel, in fine manufactures "or those polished, with coating of porcelain, "or part of other metals, not expressly comprised "in other numbers of these schedules, and platform "scales for weighing".

But, Excellency, there being no similarity nor correspondence between these nails and the provisions of the above cited paragraph 51 of schedule C, and they being expressly embraced under paragraph 13 of schedule A, is why I am instructed by my Government to express to Y.E. that after examination of the samples of the nails in question, it is of the opinion that the wire nails exported by Messrs. A.R. Whitney and Co., and consigned to Messrs. Henry B. Hamel and Co., being a cheap ordinary nail differing essentially from the nail known as French nail or "Puntas de Paris" as expressed on page 87 in the Spanish Repertory, should be admitted free of all duties under paragraph 13 of schedule A and not charged 50 per cent of the duties under paragraph 51 of schedule C

of the said Reciprocity Agreement.

And in further support of the claim of Messrs. A.R.Whitney and Co.,I beg to refer to page 55 of the Spanish Repertory,where:

"Iron in nails and tubes",

are expressed as free under the said paragraph 13 of schedule A; and likewise on page 34 of the same Spanish Repertory:

"Nails of iron or steel",

are also admitted free under paragraph 13 of schedule A.

Therefore,in view of the reasons above given,and in compliance with said instructions,I have now to ask that Y.E.be pleased in the exercise of your superior authority to order that iron wire nails of American manufacture be admitted free of duty in conformity with paragraph 13 of schedule A of the Reciprocity Agreement; or to have the goodness to direct that the reasons to the contrary be communicated to this office for the information of my Government.

I have the honor to be very respectfully,your obedient servant,

(Signed) Ramon O.Williams,

Consul General.

Enclosure No. 1.

With Despatch No. 2020.

H A V A N A , October 14, 1893.

Copy.

Consulado General de los

Estados Unidos.

Habana, Octubre 13 de 1893.

Excmo. Sr. Gobernador General de la Isla de Cuba.

Excmo. Señor:

Por instruccion especial de mi Gobierno tengo el honor de presentar á la superior atencion y resolucion de V.E. la reclamacion de los Sres. A.R. Whitney y Ca., de Nueva York, contra la interpretacion de los Sres. funcionarios de aduana de esta Isla al no admitir los clavos de hierro de alambre de manufactura y procedencia americana como libres de derechos conforme á lo dispuesto en el párrafo 13 de la tabla A del vigente convenio de reciprocidad entre España y los Estados Unidos, el cual dice:

"Hierro forjado y acero en alambres, clavos,
"tornillos, tuercas y tubos",

pues en su lugar esos Sres. funcionarios han impuesto $107.16 de derechos sobre 115 cunetes de clavos de alambre de hierro llegados á este puerto el 15 de Febrero del corriente año en el vapor español "Panama",

y otros $205.48 sobre 103 cunetes de clavos del mismo género por el vapor español "Habana"que llegó el 5 de Agosto último,ambas partidas consignadas a los Sres.Henry B.Hamel y Ca.,de este comercio,fundándose dichos funcionarios para este erroneo aforo en el párrafo 51 de la tabla C del convenio de reciprocidad, que dice:

"Hierro forjado en manufacturas finas o "las pulimentadas con baño de porcelana o parte "de otros metales,no comprendidos expresamente "en otros números de estas tablas,y básculas "para pesar".

Mas,Excmo.Señor,como no hay semejanza ni correspondencia entre estos clavos y lo que estipula el arriba citado párrafo 51 de la tabla C,y estando ellos expresamente comprendidos en el parrafo 13 de la tabla A,es porque mi Gobierno me instruye manifieste a V.E. que despues de un exámen de las muestras en cuestion, opina que los de alambre exportados y consignados a los Sres.Henry B.Hamel y Ca.,de esta plaza,por los Sres.A.R.Whitney y Ca.,de Nueva York,siendo clavos baratos y ordinarios diferenciándose esencialmente del clavo francés o "Puntas de Paris",segun lo llama el Repertorio Español en su página 87,debieran admitirse libres de todo derecho segun el párrafo 13 de la tabla A y no cobrarles el 50 por ciento de derechos

bajo el párrafo 51 de la tabla C del citado convenio de reciprocidad.

Y para mayor apoyo de la reclamacion de los Sres.A.R.Whitney y ca.,debo referirme á la página 55 del Repertorio Español en la cual se especifican los "clavos y puntas de hierro" como libres bajo el mencionado párrafo 13 de la tabla A; y asimismo en la página 34 del mismo Repertorio Español se admiten como libres de derechos bajo el párrafo 13 de la tabla A los "clavos de hierro ó acero".

Asi,en vista de las razones expuestas,y en cumplimiento de dichas instrucciones,ruego á VE. se sirva en uso de su superior autoridad ordenar que los clavos de alambre de hierro de manufactura americana sean admitidos libres de derechos de acuerdo con el ya expresado párrafo 13 de la tabla A del convenio de reciprocidad; ó bien que tenga VE.la bondad de mandar que se comuniquen á esta oficina las razones que existan en contrario para ponerlas en conocimiento de mi Gobierno.

Tengo el honor etc. etc.

(Signed) Ramon O.Williams,

Consul General.

File for present.

No 2021.

U. S. Consulate General.
Havana, Oct: 14th 1893.

Mr: Williams
to the
Department of State.

Observations submitted to the Honorable Secretary of State, respecting the necessity of having an arrangement made between the United States and Spain, by which the Govr. General of Cuba shall be authorized to decide upon all questions arising out of the interpretation and application of the Reciprocity agreement, without prejudice to diplomatic action of U. S. in cases of appeal.

2 inclosures.

No 2021.

U. S. Consulate General.
Havana, Oct: 14th 1893.

Honorable:

Walter Q. Gresham.
Secretary of State,
Washington
D. C.

Sir:

I am induced by the frequent questions that have arisen in the past and continue to arise between the importers of American products and the customs officials here, from the distorted interpretation and application given by the latter to some of the clauses of the Reciprocity Agreement, to submit the following observations to your attention and consideration.

The dispatches of this office on file at the Department will doubtless afford ample testimony of the many appeals made to it by the importers in quest of its intervention in support of their rights under the Reciprocity Agreement between the United States and Spain. Those same dispatches will also testify how little good, of late, this intervention, exercised under the instructions of the Department, has been to the importers here, as well as to the exporters in the United States, due, directly, to the exclusion of the authority of the Governor General from all questions arising out of the interpretation and application of the Agreement by reason of the new Customs Regulations of the Island, which went into

effect

effect here on the very same day with the definitive agreement, that is, on the 1st of July, 1892, transferring them for decision to the Colonial Ministry and its Board of Finance for Cuba, Porto Rico and the Philipines, at Madrid.

Under Article 7. of the former Cuban Customs Regulations, which ruled up to the date of the transitory schedule of the Reciprocity Agreement, that is, to the 30th of June, 1892, - all questions that arose out of the interpretation and application of the Agreement, as shown by the dispatches of this office, were promptly settled by the exercise of the authority of the Governor General. But from that date, under Article 7. of the present Customs Regulations,

which exclude the authority of both of the Governor General and the Treasury Department of the Island, from the settlement of these questions, they have all been referred to Madrid, accompanied with report from the Regional Government of this Province.

It was in obedience to this provision that the Secretary General, in his communication of 17 August, 1892, requested this office to present, thereafter, the protests that it received from the importers, under the telegraphic instruction of the then Honorable Secretary of State, Mr. John W. Foster, dated June 28th 1892, direct to the respective Regional Governors, to which he added, that if a satisfactory decision was not given, that appeal could be

made to the Governor General.
But the fact is, the Governor General has not decided any case arising out of the Agreement since the 1st of July, 1892, the day on which the definitive Reciprocity Agreement and the new Customs Regulations of the Island went ~~simultaneously~~ into operation.
A copy of the said communication of the Secretary General, with translation, was forwarded to the Department with my dispatch, number 1691, of the 26 August, 1892. This statement is further verified by the note addressed by the Regional Governor to the Chief of the Central Section of the Treasury on the 13 ultimo, which accompanied my dispatch No 2003, of the 28 of the same month in the matter of duties charged on canned meats and butter, protested against by Messrs.

Ernesto Aguilera & Co, in which note the Regional Governor tells the Chief of the Central Section of the Treasury:

" I have the pleasure
" to transcribe the preceding
" report of the Collector of
" the Custom House, inform-
" ing you likewise, that the
" proceedings to which the
" present communication
" refers will be forwarded
" in consultation to the
" Colonial Ministry by the
" mail steamer of the 20th
" of the present month,
" as provided for all ques-
" tions arising by reason of
" the interpretation of the
" Commercial Treaty with
" the United States."

In further affirmation, I accompany a copy of Article 7, of the old, and of Article 7, of

1/2

the new Customs Regulations, for their comparison will show that while the first makes special mention of the authority of the Governor General as next to that of the Colonial Minister in matters of customs, all reference to the Governor General is omitted in the latter.

This fact of the reference of these questions to Madrid for final judgement, is further borne out by the Royal orders concerning lubricating oils, barbed wire, turpentine, and canned meats, copies of which with translations, were seasonably forwarded to the Department with my dispatches numbered, respectively, 1945, 1948, 1985 and 1987; besides, by my telegram of the 2d instant, relating to the approval by the Colonial Minister of the

collection of tonnage dues on cargo landed from the United States. But under the terms of the Treaty, or from the convenience of the American exporters, there is no more right or reason why these questions should be adjudged at Madrid than at Washington; for certainly the President, in representation of the United States, is as much a party to this treaty as the King of Spain. Therefore, in the judgement of this office, the place where they occur, here in Cuba, is the proper one for their examination and settlement.

The Governor General is entrusted by the Supreme Government with the maintenance of public order and with the defense of the sovereignty of Spain in the Island of Cuba.

and surely he must be capable and worthy of passing on these questions arising out of the interpretation and application of this treaty of commerce.
Besides, there is a board of appraisers and another of tariffs forming part of the organization of the Havana Custom House, to which he can at all times refer the appeals of the importers for elucidation and report preparatory for his decision.

It is, therefore, in view of the injuries suffered by American exporters and the corresponding Cuban importers from this wearing and procrastinating process of circumlocution to which their claims are subjected, that I beg to urge on the Department, the necessity of the adoption of some measure between the two Governments, by which these claims

can be speedily settled here in Cuba, without their reference for final decision to the mother-country, in manner similar to the methods used for the settlement of such questions as may arise out of the Reciprocity Treaties between the United States and Austria, Brazil, the British sugar islands, the Central American Republics, France, Germany, the Republic of San Domingo, and the Sandwich Islands, all of which questions, I take it, are settled in the countries where these treaties operate.

I would, therefore, most respectfully suggest that an agreement protecting the interests of the exporters of the United States, and of the importers of Cuba, be made between the two governments, to the effect that the Governor General, the highest authority here, be

specially authorized by Spain, to hear and decide upon all protests growing out of the interpretation and application of the terms of the Reciprocity agreement, on their presentation to him by this Consulate General, without prejudice to the right of appeal of the parties interested, should his decisions be unfavorable to them, to the diplomatic action of the Government of the United States.

I would also most respectfully suggest that a similar arrangement be likewise made for Porto Rico.

I am, Sir, Very respectfully
Your obedient servant
Ramon O. Williams,
Consul General.

2 Enclosures;
Copies of Art 7. of Customs Regulations

Enclosure No.1.

With Dispatch No. 2,0 2 1 .-

H A V A N A , Oftober 14th,1893.

Translated by Consul General WILLIAMS.-

Translation.

Article 7 of the Cuban Customs Regulations that ruled up to the expiration of the transitory Reciprocity Agreement between the United States and Spain, on the 30th of June,1892, says :-

Article 7. " The superior direction of the Customs "revenues of the Island of Cuba is invested in the "Ministry of the Colonies, and under its immediate "direction in the Governor General and the Treasury."

-----o------

Original Spanish of above.

Artículo 7.

La Administracion superior del impuesto de "Aduanas en la Ysla de Cuba, corresponde al Minis- "terio de Ultramar y bajo su inmediata dependencia "al Gobernador General y á la Direccion general de "Hacienda."

-----o----

Enclosure No.2.-

With Dispatch No. 2 0 2 1.

H A V A N A , October 14th,1893.

Translated by Consul General WILLIAMS.

Translation.

Article 7 of the Cuban Customs Regulations that went simultaneously into operation with the definitive Reciprocity Agreement between the United States and Spain, on the 1st of July, 1892, says :-

Article 7. "The superior direction of the customs "of the Island of Cuba is invested in the Ministry "of the Colonies, and under its immediate direction "in its Colonial Board of Finance".--

-----o-----

Original Spanish of above.

Artículo 7. "La administracion superior del impuesto "de las Aduanas de la isla corresponde al Ministro "de Ultramar, y bajo su inmediate dependencia á la "Direccion general de Hacienda de dicho Ministerio."

-----o-----

3RD ASSISTANT SECRETARY.
OCT 24 1893

No. 2022.

Consulate-General, U. S. A.,

Havana, Oct. 16th 1893

INDEX BUREAU
RECEIVED
OCT 23 93
DEPT OF STATE

Mr. Williams

To the Department of State.

Subject:

Notice served on Manuel Estrampes & Co, forwarding
import duties on personal effects in excess
contrary to paragraph 4 of schedule K of the
recipro[illegible] tariff.

Abstract of Contents.

2 Enclosures

No. 2021

Consulate-General, U. S. A.,

Havana, Oct. 16th, 1895

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

Referring to my despatch no. 2021 to the Honorable the Secretary of State, in relation to the exclusion of the authority of the Governor General from the settlement of questions arising here out of the interpretation and application of the Reciprocity Agreement and to the transfer of this authority to the Colonial Ministry at Madrid, I now have the honor to enclose a copy of a notice, with translation, served on Messrs E. Aguilera C., of this city, for the payment of $2486 cts as import duties on American meats preserved in cans, because declared dutiable by the said Ministry. I likewise accompany a copy of the letter, dated the 14th instant, addressed to this office,

office, on the occasion by Messrs. E. Aguilera C, which is also accompanied with its translation.

I am, Sir;
Very respectfully,
Your obt. Servant,
Ramon O. Williams,
Consul General.

2 Enclosures:
No. 1 — The Collector of Customs to Messrs. E. Aguilera C, October 13 —
" 2 — Messrs. E. Aguilera C to Mr Williams, October 14 —

Enclosure No. ✓.

With Despatch No. 2022

H A V A N A , October 16th 1893.

Translation.

Messrs.E.Aguilera and Co.,

Present.

Gentlemen:

Preserved meats having been declared not free by the Ministry of the Colonies,and the duties on your entries 11.124,9865 and 10.927,amounting to two thousand four hundred and eighty six dollars and eighty six cents still remaining unpaid,you will please provide their payment within three days; otherwise their collection will be enforced by executive procedure.

God guard you many years.

Havana,13 October,1893.

Signed: Juan Zabalo,

Collector.

Enclosure No. 1.

With Despatch No. 2022

H A V A N A , October 16 1893.

Copy.

Desestimadas las carnes en conservas por el Ministerio de Ultramar y encontrándose pendientes de pago las hojas numeros 11124,9865 y 10927 presentadas por Vds.á esta Admon. y ascendientes á dos mil cuatrocientos ochenta y seis pesos y 86 centavos, sírvanse disponer su ingreso en el termino de tercer dia en la inteligencia que de no verificarlo se procederá á su cobro por la via ejecutiva de apremio.

Dios guarde á Vds.muchos años.

HABANA,October 13,1893.

Signed: Juan A.Zabalo.

Sres.E.Aguilera y Ca.

Enclosure No. 2.

With Despatch No. 2022.

H A V A N A, October 16, 1893.

Translation.

Havana, 14 October, 1893.

To the Consul General of the United States,

Present.

Sir:

We have to-day received the accompanying notice from the collector of the Port and believing that in this question of the meats we may become the victims of some outrage, we desire to acquaint you with every occurrence that takes place, in order that at all times our stand in defense of the rights of this American merchandise, under the treaty entered into between yours and our Nation, may be known to the parties interested, and that they may be the better enabled to make their corresponding reclamation.

We beg the return of the said notice.

Yours respectfully,

(Signed) E. Aguilera and Co.

Enclosure No. 2.

With Despatch No. 8022

H A V A N A , October 16, 1893.

Copy.

HABANA, Octubre 14 , 1893.

Sr. Consul Gral. de los Estados Unidos

en la Habana.

Muy Señor nuestro:

Con esta fecha he recibido esta Admon. de Aduana el adjunto oficio y creyendo que por esta cuestion de las carnes podemos ser victimas de algun atropello, queremos poner en su conocimiento cuanto ocurra para poder en todo tiempo probar a quienes corresponda, nuestra actitud poniendo las mercancias americanas al amparo del Tratado celebrado por su nacion con la nuestra, y que puedan los interesados hacer su correspondiente reclamacion.

Suplicamos la devolucion del citado oficio para nuestro resguardo.

A sus órdenes atto. S.S.Q.B.S.M.

(Signed) E. AGuilera y Ca.

No. 2023.

Consulate-General, U. S. A.,

Havana, Oct. 16th 1893

Mr. Williams

To the Department of State.

Subject:

Case of the American patriot, Henry Howard

Abstract of Contents.

Enclosing a note received on the 14th instant from the Chief of Staff, indicating that the delay in the proceedings has been caused by the Court of Guanabacoa having inhibited itself from cognizance of the case.

1 Enclosure.

No. 2023.

Consulate-General, U. S. A.,

Havana, Oct. 16th, 1895

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

With reference to previous correspondence in the case of the American citizen, Henry Howard, held for trial here by the military jurisdiction for an offense solely subject to the civil jurisdiction under article 7 of the treaty of 1795 and the Collantes - Cushing arrangement of the 12th of January, 1877, I now beg to enclose a note received on the 14th instant from the Chief of Staff, indicating that the delay in the proceedings had been caused by the Court of Guanabacoa having inhibited itself from cognizance of the case.

I had a personal interview with the Chief of Staff last week, in which

which he kindly offered to give his attention to the matter.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams
Consul General.

1 Enclosure:
No. 1 — The Chief of Staff to Mr. Williams,
Oct. 14 —

Enclosure No. 1.

With Despatch No. 2023

H A V A N A ,October 16 1893.

Copy.

The GENERAL of BRIGADE CHIEF of STAFF has the pleasure to inform the Consul general of the United States that the affair of the American citizen,Henry Howard,in which he interests himself,has been again to-day urged on the attention of the judge advocate for its speedy despatch,not having been already decided because of the intervening incident of the Court of Guanabacoa having inhibited itself from cognizance of the facts,whereby the despatch of this affair has been delayed. Don JOSE J.MORENO avails himself of this occasion to reiterate to the Consul General of the United States his sentiments of appreciation and consideration.

HAVANA,14 October,1893.

Enclosure No. 1.

With Despatch No. 2023

H A V A N A ,October 16, 1893.

Copy.

El GENERAL de BRIGADA JEFE de ESTADO MAYOR.

B.L.M.

al sr.Consul de los Estados Unidos y tiene el gusto de manifestarle que el asunto de su recomendado el subdito,Enrique Howard,vuelve hoy a recomendar al Sr. Auditor su pronto despacho,pues no se ha resuelto aun por haber mediado el incidente de que el Juzgado de Guanabacoa se ha inhibido tambien de la causa que instruia por los mismos hechos,demorando este incidente el despacho de este asunto.

DON JOSE J.MORENO,

aprovecha esta oportunidad para reiterar a dicho Sr. Consul los sentimientos de su aprecio y consideracion.

Habana,14 de Octubre de 1893.

No. 2024.

Consulate-General, U. S. A.,

Havana, Oct 26th, 1893

Mr. Williams a. 25 Oct. 93.

To the Department of State.

Subject:-

Relating to Royal order of June 2d last, creating
tonnage tax of 25 cents per ton excluding american
merchandise imported under schedules A, B, C and D
of the agreement.

Abstract of Contents.

1 Enclosure.

No. 2024.

Consulate-General, U. S. A.,

Havana, Oct. 16th, 1895.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

In amplification of my cipher telegram of the 2? instant I have now the honor to enclose for the information of the Department the copy and translation of a communication dated the 28th ultimo and received on the 2? instant from the Central Section of the Treasury relating to the Royal order of the 2? of June last, creating the tonnage tax of twenty five cents per ton on all cargo, landed on the Havana custom house wharf. As this includes, indiscriminately, all cargo imported from the United States under Schedules A, B, C and D, I beg the Department may be pleased to instruct this office

office in the matter.

I am, Sir,
Very respectfully,
Your obt. servant,
Ramm O. Williams,
Chief Clerk.

1 Enclosure:
No. 1 - The Central Section of the Treasury
to Mr. Williams,
Oct. 7 —

Enclosure No. 1.

With Despatch No. 2024.

H A V A N A , October 16, 1893.

Translated by Consul General Williams.

General Government of the Island of Cuba,

Office of the Secretary General,

Central Section of the Treasury.

HAVANA, 28 Sept., 1893.

To the Consul General of the United States,

Present.

Sir:

Under this date the Government General says the following to the Regional Government:

"Excellency:

"In view of the communication of Y.E. "of the 20th of June last transmitting another "from the collector of the Port regarding the "refusal of the majority of the merchants of this "city to pay the taxes created by Royal order "of the 2nd of June last to attend to the works "of the harbor, H.E. the Governor general by de- "cision of the 25th instant has been pleased "to order the fulfillment of the said Royal order "of the 2nd of June, without prejudice to the "calling of the attention of H.E. the Minister "of the Colonies in respect to the opposition "that has arisen to its payment; the above being

"communicated to you by order of His Excellency "for your information and other effects".

And in accordance with the same order of H.E. the Governor General I now have the honor to transmit the above to you for your information because of the Regional Government having said that that Consulate of your worthy charge supports the claims interposed by Messrs.Lawton Bros.,S.G.Ruiz and J.E.Kicherer against the tax of 25 cents for each 1000 kilos established for all kinds of merchandise landed on the custom house wharves by the aforementioned Royal order of the 2nd of June last.

God guard you many years.

FRANCISCO FONTANALS.

Enclosure No. 1.

With Despatch No. 2024

H A V A N A , October 16, 1893.

Copy.

Gobierno General de la Isla de Cuba.

Secretaria General.

Seccion Central de Hacienda.

Con esta fecha se dice al Gobierno Regional de esta provincia lo que sigue:

"Excmo.Señor:- Vista la comunicacion de "V.E.de fecha 20 de Julio ppdo.trasladando otra "del Admor.de la Aduana de este puerto,relativa "a que la mayoria de los Sres.comerciantes im- "portadores de esta plaza se niegan a satisfacer "los arbitrios creados por Real orden de 2 de "Junio ultimo para atender a las obras del mismo, "el Excmo.Sr.Gobernador General por acuerdo de "fecha 25 del actual se ha servido disponer se "cumpla la Real orden mencionada de 2 de Junio "ultimo sin perjuicio de llamar la atencion del "Excmo.Sr.Ministro de Ultramar sobre la oposi- "cion que se ha suscitado al pago de este impuesto. "Lo que de orden de S.E.tengo el honor de comu- "nicar a V.E.para su conocimiento y demas efectos".

Y de la propia orden tengo el honor de trasladarlo a V.S.para su conocimiento en virtud de que por el expresado Gobierno Regional se manifiesta que ese Consulado de su digno cargo ha hecho suyas las re-

clamaciones interpuestas por los Sres.Lawton Hermanos, S.G.Ruiz y J.E.Kicherer contra el arbitrio de 25 centavos por cada mil kilos que para todas las mercancias que pasen por los muelles de la Aduana establece la referida R.O.de 2 de Junio ppdo.

Dios gue.a V.S.ms.años.

Habana 28 Setbre.,1893.

FRANCISCO FONTANALS.

Sr.Consul Gral.de los Estados Unidos en esta Capital.

No. 2025.

U.S. Consulate General.
Havana, October 17, 1893.

Mr. Williams
to the
Department of State.

Economic condition of Cuba.

8 Enclosures.

No. 2025.

U.S. Consulate General.
Havana, October 17, 1893.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

I have the honor to enclose
a translation of certain parts
of an article that appeared
lately in the Messager Franco
Americain, with regard to the
ineffectual efforts of the Governor
of the Spanish Bank of this
Island to raise a loan in
Europe; and in which that
functionary is also reported
as having said that the present
economic crisis afflicting Cuba
is due to the maneuvres of the
American Sugar Trust; and that
from the experience of this lesson
the

the Island will now seek markets in Europe.

I had the honor to show now more than fifteen years ago, before the organization of the Sugar Trust, in my despatches Nos. 724 and 733, of the 8th of August, and 12th of September, 1878, Mr. Hall's series, the causes, then, operating towards an economic crisis in this Island, which may be expressed in the following summary:

2/3

First: The distance of Cuba from Great Britain, the only European country not producing its own sugar.

Second: The proximity of the European beet sugar to the market of Great Britain.

Third: Distance of the mother-country from this colony, together with its limited consumptive power.

Fourth: The interceptive economic action of the United States on Cuba, as well as on all the sugar islands of the Atlantic and Pacific Oceans.

As a consequence, the purpose to seek markets in Europe for the sugar of Cuba, is no more realizable than for the Governor of the Spanish Bank of the Island of Cuba, by the taking of will, "to add one cubit to his height."

The Maker of the economic law has not blundered in His work.

I am, Sir,
Very respectfully,
Your obt. servt.,
Ramon O. Williams,
Consul General.

3 Enclosures:
No. 1 - Slip and translation as stated.

No. 2 —

No. 1 – Copy of despatch no. 724

" 2 – " " " " 703

Enclosure No. 3.

With Dispatch No. 2025

H A V A N A , October 17 1893.

COPY.

U.S.CONSULATE GENERAL.

No.7 3 3 . HAVANA, September 12th,1878.

Hon: F.W.Seward,

Assistant Secretary of State,

Washington. D. C.

Sir:

I have the honor to transmit for the information of the Department,copies and translations of two decrees of the Superior Government of this Island,respectively,dated the 2nd and 5th instant: the first on the "Reform of the Tariff", now rulin here,and the second on the subject of the "Classification and Funding of the Public Debt of Cuba".

Upon the first of these subjects,I beg to submit the following remarks,as supplementary to those of my dispatc No.724,of August 8th,last.

At a time not far remote,when Cuba,owing to the temporary effects of factitious and accidental causes,made nearly 40 per cent of the sugar supply of the world,and when her market laid principally in Great Britain and other countries of Europe,where from motives of interest, no retaliatory duties were imposed on merchandise imported and exported in Spanish shipping ; it was from this relatively dominating position,temporarily feasible for

Spain to maintain in Cuba a differential tariff; but now, that her quota of that supply scarcely reaches 18 per cent, and Cuba's market for her products having changed from Europe to be confined almost exclusively to the United States, where these differential duties are off-set by retaliatory duties, it has ceased to be longer beneficially practicable.

For some time past, the operation of this differential tariffhas been re-active, and destructive of the interest and welfare of Cuba, -- and it now only operates as a "protection", favoring the development of the sugar industry in all other countries, just to an extent exactly correlative to the amount of exchangeable value it detracts from Cuba's Exports in their purchase of her Imports.

Spain is now in the dilemma of either continuing this differential Cuban tariff or of abolishing it.

If it chooses the first alternative, it will in a few years, destroy not only the sugar industry of the island, but with it as secondary effects, all the many interests that derive their moving power from that crop, such as the railroads, the coastwise shipping, exporting merchants, Banks, sugar ware houses, cooperage establishments, wharves, lighters, and depriving of employment its brokers, clerks, mechanics, laborers, stevedores, &c, rendering also valueless to creditors its public debt.

The export basis of the Island once dissipated, its import business, too, ceases, and then another train of

large and small business establishments will simultaneously go out of existence, for the want of sugar, out of which staple flows their moving power.

Coincidently, with the working out of this process, other countries are striving to occupy the position of Cuba as sugar purveyors to the United States.

If, however, Spain should act from a higher standard of thought, and with the wisdom and sense of responsibility, that ought to be the rule of all governing powers, and abolish this tariff, thereby leaving Cuba with the right to buy wherever she can do so the cheapest: then, in that event, the great bulk of Cuba's imports would come from the United States; for the simple reason that she can there buy them cheapest, reaping, besides, a great saving of time because of the proximity of the United States, over bringing them from Spain and other European countrie

As a proof of the capability of the United States to furnish the imports of Cuba to the advantage of its population, we have the paretical fact that the dry-goods merchants of this city, are at the present day importing American calecoes, from the United States via Liverpool, England, from whence they are brought in Spanish steamers to Havana, with the surcharge of commission, freight, truckage, and marine insurance, consequent upon the roundabout way of importing, enforced by this differential tariff, instead of bringing them direct from New York or Boston.-

And this only means that Cuba gets just so much less of imports in exchange for her exports, and that other sugar producing countries are literally "protected" by Spanish legislation, just to that extent at the expense of Cuba.

But the relief of Cuba does not only demand a reform of the tariff/ but indispensably also a much cheaper and more simple form of public administration than that hitherto practised; for the reason that the supply of sugar has now grown so great in proportion to the demand and Africa being closed to the slave trade, it cannot much longer serve here as the basis for the luxury of an expensive Imperial government, any more than wheat could bear it in the State of Illinois, or cotton in Mississippi or coal and iron in Pennsylvania, or lumber in Maihe.

In the latter instance , from the consequent enhanced cost of production of these States, they would, in the course of time, succumb to the surrounding rival States, enjoying cheaper and less complicated government, and producing the same staples; and Cuba must in time inevitably find herself in a similar predicament with respect to other sugar producing countries.

Further, if labor is to become free here as is talked of in certain narrow circles, the planters would have to pay wages to their hands ; This would entail the necessity for the simultaneous disbandment of all surplus military and naval forces and unnecessary civil employees, simply because the labor of the country cannot produce sufficient in face of the competition it encounters from

other sugar producing countries, to stand the heavy burden of so much unproductive consumption.

Cuba, in the event of the abolition of this tariff, ceasing to be the main basis of the Spanish commercial system, Spain, fortunately for her, will find that an All Wise Providence has been no less lavish with her, than with other nations in providing her with natural resources, in variety of climate, fertility of soil, forestal and mineral products, water courses and good harbors, all plastically awaiting the attention and moulding power of the intelligence and labor of her inhabitants, to be converted into many times more wealth than would ever be developed by Spain in Cuba, and thus would she assume a position more in accord with Universal order and harmony.

I have the honor, to be, with great respect,

Your obedient servant,

(Signed) R.O.Williams.

Vice Consul General.

Enclosure No. 2

With Dispatch No. 2025

H A V A N A , October 17th 1893.

COPY.

U.S.CONSULATE GENERAL.

No.7 2 4 . HAVANA, August 8th,1878.

Hon: F.W.Seward,

Assistant Secretary of State,

Washington. D. C.

Sir:

On the night of the 3rd instant there was held in this city,a numerously attended meeting,presided over by Mr.GALBIS,the Political Secretary of the Government of this Island,composed of what is called the liberal party. This meeting is memorable,as being,perhaps,the first of the kind in which the people of Cuba,have been permitted freely to assemble for political discussion,and for the open,untrammelled, consideration of their public affairs.

After a somewhat lengthy,orderly and luminous discussion,a platform was readand adopted,a printed copy of which extracted from the party organ,"EL TRIUNFO", I now have the honor to transmit with the following remarks, that I have thought pertinent to those parts of the platform,viz: those relating to the differential duties ruling in this island; a Reciprocity Treaty with the United States,and the enlargement of Cuba's export trade with Spain.

The following example in domestic economy,will il-

lustrate in some degree, the mode in which these differential duties are, in the wider operations of political economy, eating, cancer like, into the very vitals of the material prosperity of this island, as likewise those of Spain, that of the latter being mostly an effect of the former.

Let it be supposed that the laborers A. and B. are compelled to go into the labor market to sell their services:- They each earn for instance, $1.- per day, and with these earnings they buy the supplies of themselves and families.

The law governing A. compels him to buy his bread from a certain baker, and in the same way, his meat, groceries, shoes and clothes, from a designated butcher, grocer, shoemaker, and tailor, to each of whom he has to pay say 30 per cent higher for his supplies than the laborer B., because the latter has the right to buy wherever he can get his supplies cheapest.___ Now, it is clear in this case, that though both laborers gain the same wages, this differential taxation reduces the exchangeable value of a day's labor of A. to 70 cents, when compared with the day's labor of B., which is worth to him, $1.- in the purchase of supplies.

Further, and what probably is a still more important effect for the purposes of this analysis, is, that B. possesses a competitive advantage of 30 per cent in the labor market over the laborer A.-

Now, the same simile holding good when treating of the selling and buying power of a nation, it follows that the exports of Cuba bear the same relation to its economic being, as the wages of the laborer A. bear to his personal welfare and to that of his family.

Cuba has, from the necessity of self-preservation to send her exports, consisting mostly of sugars, molasses, tobacco and cigars, to whatever market will pay her best. She finds the best market for her products in the United States, where she sends about 9o per cent of her exports.

Now, with her Exports <u>out</u>, she buys her Imports <u>in</u>, in a similar manner as laborer A. with his daily earning buys his supplies.

But, the law governing Cuba, subjects her imports to the action of a differential tariff, so constructed as to force her to buy to the furthest possible extent from a certain Nation, and to employ for the purposes of transportation a designated shipping.

Accordingly, Cuba is pressed to purchase her flour, provisions, groceries, shoes, dry-goods, and all other articles of consumption in Spain, and to bring them in Spanish shipping, only buying from other countries, when these, despite the discrimination, are able to sell to her cheaper than Spain.

Thus Cuba, like laborer A. suffers a great loss in the exchangeable value of her exports, although getting the same prices for them, when compared to the exports of other sugar producing countries, but who, like laborer B., have the right to buy wherever they can get the cheapest.

In this arrange ment, we probably find the most glaring example of economic fallacy existing in any country doing an extensive foreign commerce, for just in proportion as Spain is "protected" at the expense of Cuba, it being an un-reciprocal protection, the exchangeable value of Cuba's exports are thereby lessened, as in the case of the services of laborer A. She suffering a corresponding diminishment in the amount of Imports purchaseable by her Exports ; just upon the same principle that a given measure shortened at one end, is thereby shortened at both ends.

Further, to the extent of the harm done by the operation of these differential duties, so does the competitive power of the beet root sugar of Europe, and the cane sugar of all other countries operate against Cuba in the consuming sugar markets of the world, and to such a potent degree has this competition risen, through the increase of sugar production, which at the same time is gradually affording the United States, through other channels, that reciprocity of trade, diverted from them by the differential tariff of Cuba ; that Cuba's sugars are now quite forced out of the markets of Europe, and she is helplessly reduced to the sugar market of the United States, notwithstanding the high import duties there on sugar, to which Cuban planters and high Spanish officials point, believing that they come out of the Cuban producer, instead of the American consumer. But, were such the fact, it is surprising that Cuba does not attempt to avoid their payment by the shipment of its sugars to Great Britain, where

at present no import duties are levied on the article.

It is easy to perceive that the more necessity compels Cuba to gravitate to the United States for a market to sell in, and the more Spanish legislation compels her, on the other hand, to go to Spain as a market to buy in, so will her commercial status become abnormal and in like proportion must the effects in time, be disastrous to Cuba and to Spain ; for it is impossible for a people to stand when so divided, that its commercial necessities are in one direction, and its political ties in another, directly opposite.

At this point it may not be irrelevant to remark, that though Cuba was the first in the order of discovery of the large West India islands by Columbus, yet she is the very last, even comparatively recent, in the order of material development, and that due to factitious and accidental causes, more than to regular normal growth. Here, too, it needs but a slight stretch of the imagination to perceive the nullity and helplessness of both Cuba and Spain in America, indeed as helpless as a steam engine without a boiler, if the United States had tropical territory wherein, through inter-State commerce to raise its own sugar, as it today raises its own cereals, provisions, cotton, coals, iron, lumber, &c._ In that case, too, the world's attention would hardly be molested by the Cuban problem, its bottom facts revealing it to be simply a sugar question, invested with a political phase.

With a view of escaping in a measure the impending cataclysm, the small thinking portion of the inhabitants

of this island, having become alarmed, are now urging the abolition of these differential duties, and advocating in their stead only those of revenue.

The importance of a reciprocity treaty with the United States, to the prosperity of Cuba, is also urged by them and possibly, too, not without the malicious hope, that the institution of slavery, now again somewhat languishing here, from its decreased profitableness, would therby be revived, in a manner similar to that produced by the law for the equalization of the sugar duties carried through the British Parliament by Lord JOHN RUSSELL in 1847, in opposition to the counsels of Sir ROBERT PEEL, Lord BROUGHAM, Mr. GLADSTONE, and other British statesmen.

The effect of that law, was that British planters having to pay wages to their free laborers, could not compete with the Spanish West Indian planters, who only worked slave laborers, the latter having an advantage over the former equivalent to their savings of wages ; besides, also having then all Africa open to them for fresh supplies of laborers. Thus in the name of "free trade", the law of the British Parliament whilst fruitless to British commerce, was literally a protective measure, --but "protective" only in the sense of developing the African slave trade, through the extinction of free labor, as the subsequent movement of the successive British squadrons on the coast of Africa, the creation of the Slave and Sugar oligarchy of Cuba, and by the loss of a market for their labor, the obligatory squatting for a living of the British West India laborers, attest.

It is reported of the Jamaica, Barbadoes and Demerara planters, that they derisively taunted the British Parliament, with having furnished at their expense, and that of human freedom, the cause for public jubilee and illuminations in Cuba and Puerto Rico.

With these antecedents in view, it is not difficult to foresee, that the granting by the United States of a reciprocity treaty to Cuba, while slavery exists in the Island, would only develop that institution anew, and bring about similar results in Louisiana to those produced in Jamaica and the other British West India possessions by said law of the British Parliament for the equalization of the sugar duties; the sugar crop of which State, besides the large employment furnished at present by it to American capital, employs an immense number of American laborers and mechanics on land for its production, and American ships and sailors for its transportation on the rivers and Ocean. It would also shut out of employment a large number of American operatives employed in the cigar factories in the United States, to favor the Havana manufacturers, who almost wholly employ their slaves and chinese held under contract, in the manufacture of their cigars and this without equivalent.

Referring to that part of this platform relating to the removal of obstacles to the importation of Cubass sugars in Spain, I would say its futility is manifest, when it is remembered that European statisticians accredit Spain with an annual consumption of less than 30,000 tons of sugar, which is equal to about the one third of one month's consumption.

month's consumption in the United States, when the amount of molasses is reduced to, and considered with sugar.

During the present year up to date, Spain has taken less than 50,000 boxes of Cuban sugars, equal to about 10,000 tons and this not solely for her own consumption but, with doubtful success, partly for distribution in the French and Italian ports of the Meditterranean and Adriatic seas.- Consequently, Cuba can hardly expect assistance from Spain in the approaching hour of her business distress, when at the same moment the merchants, manufacturers, and shipowners of Catalonia and Valencia are vehemently and indignantly protesting before the Madrid Government, because it proposes to reduce the differential duties of Puerto Rico to 7 1/2 per cent, loudly asserting that without Puerto Rico is submitted to a greater sacrifice, for their protection, they will not be able to live,-- and it is reported that the Government will yield to their clamors and irrational pretensions.-

And the much mooted idea of establishing refineries in Spain, for the refining of Cuban and Puerto Rico sugars there for the purpose of sale and distribution in Europe, is no less Quixotic and impracticable.

The beet root sugars of France, Germany, Austria, Hungary, Russia, Holland and Belgium, together with the cane sugars of Egypt, the East Indies and other countries, have already displaced in Europe, the raw sugars of Cuba and Puerto Rico, and the standard of mechanical and manufacturing intelligence of Spain, being notoriously far below

that of Great Britain and those other countries,__ this apart from the absence of the requisite capital,))) much less would Spain be able to compete with them, and to attempt it would only be an effort on her part to leave a lesser for a greater impossibility.

I have the honor to be, most respectfully,

Your obedient servant,

(Signed) R.O.Williams.

Vice Consul General.

Enclosure No. 1.

With Despatch No. 2025.

H A V A N A , October 17, 1893.

Translated by Consul General Williams.

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From LA LUCHA of Havana ,October 6,1893.

Mr.PUGA (Governor of the Spanish Bank of the Island of Cuba) at PARIS.

We translate from the MESSAGER FRANCO AMERICAIN the following conceptions forming part of an article published by that journal on the causes originating the crisis through which we are passing,which read thus:

"Mr.Puga takes passage to-day for Havana "with the purpose of elaborating there a plan "that will prevent panics in the future like the "present one.

"In an interview with this gentleman in the "GRAN HOTEL he informed us that he has organized "an agency at Madrid,which will occupy itself "with having the mortgage securities of the city "of Havana officially quoted in the Exchange of "that capital.

"Later on and in agreement with the Board "of Directors of the Spanish Bank,Mr.Puga pro-

"poses to take the necessary steps to have the
"same securities quoted at the Stock Exchanges
"of Paris, London and Antwerp.

"Mr.Puga has not insisted in his purpose
"of raising a loan in Europe, which could only
"be made at present under adverse and abnormal
"circumstances."

The french journal then adds:

"The financial crisis through which the
"Island of Cuba is now passing is due principally
"to the maneuvres of the New York TRUST, and
"the lesson will force Cuba to go to Europe in
"search of markets in order to disembarrass it-
"self from the TRUST, which is now the only
"buyer of the sugar crop of that privileged
"Island".

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Enclosure No. 1.
Nich Despatch No. 2025.
Havana, October 14, 1893

LA LUCHA

Director: ANTONIO SAN MIGUEL

Habana 6 de Octubre de 1893

El Sr. Puga en París

Del *Messager Franco Americain* traducimos los siguientes conceptos que forman parte de un trabajo en que dicho periódico examina la crisis que atravesamos y las causas que la ocasionaron.

Dice así:

« El señor Puga se embarcará hoy para la Habana con el fin de elaborar allí un plan que evite en los sucesivo pánicos como el ocurrido.

« En una entrevista que con dicho señor hemos celebrado en el *Gran Hotel* nos manifestó que ha constituido en Madrid una Agencia que se ocupará de hacer cotizar oficialmente en la Bolsa de dicha capital las obligaciones hipotecarias de la ciudad de la Habana.

« Después y de acuerdo con el Consejo del Banco Español, se propone el Sr. Puga practicar las diligencias necesarias para obtener igual resultado en las Bolsas de París, Londres y Amberes.

« El Sr. Puga no ha insistido en su propósito de hacer un empréstito que sería ruinoso en las actuales y anormales circunstancias monetarias que atravesamos. »

Añade el periódico francés:

« La crisis financiera que atraviesa la isla de Cuba se debe principalmente á los manejos del « Trust » de New York, y la lección que ha recibido aquel país le determinará á buscar mercados en Europa para desembarazarse de la tutela del « Trust », que en la actualidad es el único comprador de la inmensa cosecha de azúcar de aquel privilegiado país. »

Enclosure No. 1.
With Despatch No. 2025
Havana, October 17. 1893.

LA LUCHA

Director: ANTONIO SAN MIGUEL

Habana 6 de Octubre de 1893

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Dice así:

« El señor Puga se embarcará hoy para la Habana con el fin de elaborar allí un plan que evite en lo sucesivo pánicos como el acaecido.

« En una entrevista que con dicho señor hemos celebrado en el *Gran Hotel* nos manifestó que ha constituido en Madrid una Agencia que se ocupará de hacer cotizar oficialmente en la Bolsa de dicha capital las obligaciones hipotecarias de la ciudad de la Habana.

« Después y de acuerdo con el Consejo del Banco Español, se propone el Sr. Puga practicar las diligencias necesarias para obtener igual resultado en las Bolsas de París, Londres y Amberes.

« El Sr. Puga no ha insistido en su propósito de hacer un empréstito que sería oneroso en las actuales y anormales circunstancias monetarias que atravesamos. »

Añade el periódico francés:

« La crisis financiera que atraviesa la isla de Cuba se debe principalmente á los manejos del « Trust » de New York, y la lección que ha recibido aquel país le determinará á buscar mercados en Europa para desembarazarse de la tutela del « Trust », que en la actualidad es el único comprador de la inmensa cosecha de azúcar de aquel privilegiado país. »

No. 2026.

Consulate-General, U. S. A.,

Havana, Oct 17, 1893

Mr. Williams

To the Department of State.

Subject:

Protest against the collection from Messrs. E. Aguilera C. of import duties on American meats preserved in cans, contrary to the Reciprocity Agreement.

Abstract of Contents.

Transmitting copy of communication to the Governor General.

1 Enclosure.

No. 2026.

Consulate-General, U. S. A.,

Havana, Oct. 17th, 1895.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I beg to acknowledge receipt of the Department's telegraphic despatch of yesterday, and to report that in accordance therewith, I have to-day presented a protest to the Governor General, against the threatened collection of $2486.86, by executive procedure, from Messrs. E. Aguilera & C., for alleged duties on American meats preserved in cans, and free under paragraph 29 of schedule A of the Reciprocity Agreement.

I enclose copy and translation of the said protest.

I am, Sir, very respectfully,
Your obedient servant,

Ramon O. Williams,
Consul General.

1 Enclosure: — Am. Williams to Governor Genl, Oct 17 —

Enclosure No. 1.

With Despatch No. 2026.

H A V A N A , October 17, 1893.

Copy.

U.S.Consulate General.

HAVANA, October 17, 1893.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

I am directed by my Government to protest before the superior authority of Y.E. against the action of the collector of the Port, in demanding two thousand four hundred and eighty six dollars and eighty six cents from Messrs. E. Aguilera and Co., as import duties on certain lots of American meats preserved in cans of which that firm are consignees, with threat that if the said amount is not paid within three days its collection will be enforced by executive procedure. I am further instructed to manifest most respectfully to Y.E., that the Government of the United States holds that in its judgement these meats are free of import duty under article 29 of schedule A of the Reciprocity Agreement; and moreover that this classification has just been accepted by the Government of Spain in the corrected repertory which admits these canned meats free without reservation.

I have, therefore, in compliance with the instruction of my Government to ask that Y.E. be pleased to command the suspension of the said executive proceedings threatened by the collector against Messrs. E. Aguilera and Co., till the publication of the new corrected repertory, which should have already been received by Y.E., in the official Gazette of this city.

I am, Sir, etc. etc.

(Signed) Ramon O. Williams,

Consul General.

Enclosure No.1.

With Despatch No. 2026.

H A V A N A , October 17,1893.

Copy.

Consulado General de los
Estados Unidos en la
Habana,Octubre 17,1893.

Excmo.Sr.Gobernador General de la Isla de Cuba.

Excmo.Señor:

Mi Gobierno me encarga que proteste ante la superior autoridad de V.E.contra el proceder del Sr. Administrador de la Aduana de este Puerto,al exigir á los Sres.E.Aguilera y Ca,de este comercio,dos mil cuatro cientos ochenta y seis pesos y ochenta y seis centavos,de derechos de importacion sobre ciertas partidas de carnes americana conservada en latas de la cual son consignatarios dichos Señores,en la inteligencia de que de no satisfacerse dicha suma dentro de tercer dia se procederá á su cobro por la via ejecutiva de apremio. Se me instruye ademas manifiesta á V.E.con el mayor respeto,que el Gobierno de los Estados Unidos sostiene que a su juicio estas carnes son libres de derechos de importacion bajo el artículo 29 de la tabla A del vigente Convenio de Reciprocidad; y además que se acaba de aceptar esta clasificacion por el Gobierno de España en el repertorio corregido que las admite libres sin reserva alguna.

Por lo tanto,en cumplimiento de dicha instruccion de mi Gobierno ruego á V.E.se sirva ordenar la sus-

pension del procedimiento ejecutivo con que se amenaza a los Sres.E.Aguilera y Ca.mientras tanto se publique en la Gaceta oficial de esta capital el nuevo repertorio corregido,el cual ya debe haber recibido V.E.

Tengo el honor de ser de V.E.con la mayor consideracion ato.S.S.Q.B.S.M.

(Signed) Ramon O.Williams,

Consul General.

2 7 Gov

To Gov of Fla
Oct 19

DEPT OF STATE
OCT 18 1893
CHIEF CLERK

TELEGRAM RECEIVED.

OCT 19 1893
DIPLOMATIC BUREAU

From Havana

Oct 18, 1893.

Secretary of State,

Received 3 21 P M.

Washington D.C.

William Hodges delivered himself voluntarily to Sheriff who arrived this morning and both leave today per Tampa Steamer

Williams,

Consul General.

36

To Gov Fla Oct 19

DEP'T OF STATE
OCT 18 1893
CHIEF CLERK.

TELEGRAM RECEIVED.

From Havana

Oct 18, 1893.

Secretary of State,

Received 11 A M.

Washington D.C.

An American arrested there by police as suspicious character appears from own confession to be William Hodges, accused of murder Jacksonville, Florida. Please advise Sheriff said place

Williams,

Consul General.

a. 28. Oct. 93.

No. 2027.

U.S. Consulate General.
Honolulu, Oct. 18, 1893.

Mr. Mitchell
to the
Department of State.

Map of entrance for the Honolulu Harbor Works.

1 Enclosure

No. 207.

U. S. Consulate General.
Havana, October 18th, 1895.

Honorable
Assistant Secretary of State,
Washington, DC

Sir:

With reference to previous correspondence on the question of the tax imposed on cargo under Royal order of the 2d of June last, for the Havana Harbor Works, I now enclose a translation, with copy, of the telegram of the Colonial Minister to the Lieutenant General of Finance, of the 15th instant, by which, this tax is virtually confirmed, because cargo can scarcely be dispatched in less than forty eight hours after its landing on the wharf.

I am, Sir, very respectfully,
Your obedient servant,
Lucien N. Williams
Consul General.

Enclosure No.1.

With Despatch No. 2027.

H A V A N A, October 18, 1893.

Translated by Consul General Williams.

--------- 0 ---------

From LA LUCHA of Havana, Oct. 16, 1893.

HARBOR CHARGES.

The INTENDANT GENERAL of FINANCE received the following telegram yesterday from the Colonial Ministry:

"Royal order of the 2nd of June last regard-
"ing harbor tax is reformed in its paragraph 2
"making consignees of cargo remaining on the wharf
"more than forty eight hours, pay twenty five
"cents the metric ton.

---------- 0 --------

Enclosure No. 1
With Despatch No. 2027.
Havana, October 18, 1893

LA LUCHA

Director: ANTONIO SAN MIGUEL

Habana 16 de Octubre de 1893

Arbitrios del Puerto

El Intendente de Hacienda recibió ayer el siguiente telegrama del Ministerio de Ultramar:

«Real orden dos de Junio último arbitrios puertos, queda reformado párrafo segundo consignatarios bultos que permanecieran en muelles más de cuarenta y ocho horas, pagarán veinticinco centavos por tonelada métrica.»

Enclosure No. 1
With Despatch No. 2027.
Havana, October 18. 1893

LA LUCHA

Director: ANTONIO SAN MIGUEL

Habana 16 de Octubre de 1893

Arbitrios del Puerto

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No. 2028.

U.S. Consulate General.
Havana, Oct. 18, 1893.

Mr. Williams
to the
Department of State.

Protest of Mr. Ricardo Vargaues against appraisement of import duties on 500 barrels Portland cement.

3 Enclosures.

No. 2028.

U. S. Consulate General.
Havana, Oct. 18, 1898.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

In compliance with instructions from the Department, I have received and presented to the Intendant General of Finance the protest of Mr. Ricardo Nargares, Administrator General of the Spanish American Light and Power Company of this city, against the appraisement of import duties made by the custom house of this port on 500 barrels Portland cement of American manufacture, received from the United States by steamer "Seneca" arrived here

here on the 29th of May last; said appraisement being considered contrary to paragraph 2 Schedule A of the Reciprocity Agreement between Spain and the United States. I enclose copy of protest, of certificate of origin of the said cement, and of my communication to the Intendant General of this date.

1/
2/
3/

I am, Sir,
Very respectfully,
Your obt. servant,
Ramon O. Williams,
Consul General.

Three enclosures:
No. 1 - Copy of protest.
" 2 - " , certificate of origin.
" 3 - " , communication to the Intendant General.

Enclosure No. 1.

With Despatch No. 2028.

H A V A N A , October 18,1893.

Copy. No.57.

RICARDO NARGANES, Administrator General of the Spanish American Light and Power Company, appears before the Consul General of the United States in this port and does hereby:

PROTEST against the appraisement and fine of the Custom House of this port on five hundred barrels Portland cement "Atlas", marked R.S.x C. shipped in New York on the 23rd day of May, 1893, per S.S. "Seneca" and arrived in this port on the 29th day of that month and the custom house entry having been made in due season; said cement having been appraised as English cement whereas it is of American manufacture, and included in paragraph 5 of the Tariff, and schedule A, par.2 of the reciprocity agreement between the United States and Spain, the custom house of this port having not only imposed duties as upon englsih cement but also a fine amounting to $5.760, the latter amount being five times the amount of duty. The undersigned attaches hereto certificate of origin from the ATLAS CEMENT COMPANY, whose works are situated in the State of Pennsylavnia, U.S.A.

And for further evidence and that this protest

have all the necessary effects according to requisites specified in the telegram dated in Washington on the 28 June,1892,addressed by Mr.Wharton,Assistant Secretary of State to Mr.Williams,U.S.Consul General,he presents this protest in this city.

Havana,October 13,1893.

Signed: Ricardo Narganes.

Before me,

Signed: Ramon O.Williams,

Consul General.

Enclosure 1 - With Despatch no. 2028.

Copy.

No.57.

D.RICARDO NARGANES, Administrador General de la Compañia Hispano Americana de Gas (Spanish American Light and Power Company) comparece ante el Sr.Consul General de los Estados Unidos, y en la mejor forma que proceda:

PROTESTA contra el aforo y penalidad impuestos por la Aduana de este puerto a quinientos barriles de cemento Prtland marca "Atlas" marcados R.S.x C.. e importados por vapor americano "Seneca" entrado en este puerto el dia 29 de Mayo de 1893 y embarcados en New York el 23 del mismo mes, habiendo sido presentada declaracion a su debido tiempo cuyo cemento ha sido aforado como de procedencia inglesa, siendo de manufactura de los Estados Unidos de America y estando comprendido en la partida quinta del arancel y No.2 de la tabla A del Tratado, habiendosele impuesto por los oficiales de la Aduana, no solo los derechos como manufactura inglesa, sino una multa de $5.760 equivalente a cinco veces los derechos, pudiendo justificar la procedencia del citado cemento por el adjunto certificado de la "Atlas cement Company" que tiene establecidas sus fabricas en el Estado de Pennsylvania, Estados Unidos de America.

Y para que asi constey esta protesta surta los efectos necesarios segun lo dispuesto en el telegrama

fechado en Washington en 28 de Junio de 1892, de Mr. Wharton, Sub-Secretario de Estado de dicha Nacion a Mr. Williams, Consul General de la misma, la presento en esta ciudad.

HABANA, Octubre 13 de 1893.

(Signed) Ricardo Narganes.

Ante mi,

(Signed) Ramon O. Williams,

Consul General.

Enclosure nº. 2 with Despatch nº. 2028.

Copy.

ATLAS CEMENT COMPANY.

143 Liberty street.

New York ,June 7,1893.

We hereby certify that the FIVE HUNDRED BARRELS Atlas Portland Cement shipped on board the steamship "Seneca on May 23,1893,and consigned to Messrs.Runkle, Smith and Co.,of Havana,Island of Cuba,were manufactured by us at our Works at Coplay,Lehigh Co.,State of Pennsylvania,in the United States of America.

Atlas Cement Company,

Seal. (Signed) Alfonso de Navarro,

2nd Vice President.

State of New York,City and County of New York.

On the 7th day of June,1893,before me,personally came Alfonso de Navarro to me known and knowm to me to be the individual described in and who executed the above instrument and duly acknowledged that he executed the same as 2nd Vice President of the Atlas Cement Company.

Signed: Daniel J.Augustine,

Notarial Seal. Notary Public,N.Y.Co.

Visto en este Consulado General de España. Bueno por legalizacion de la firma y sello de Daniel J.Augustine,Notario Publico en esta ciudad.

Nueva York,7 de Junio de 1893.

Seal. El Consul General: A.Baldasano.

Enclosure No. 3

With Despatch No. 2028

H A V A N A, October 18,1893.

Copy.

U.S.Consulate General.

Havana,October 18,1893.

To His Excellency the Intendant general of Finance of the Island of Cuba.

Excellency:

In compliance with the instructions from my Government on the subject,I have the honor to present to the consideration and resolution of Y.E.the enclosed certified copy of the protest of Mr.Ricardo Narganes,Administrator General of the Spanish American Light and Power Company of this city,against the appraisement made by the custom house of this port on 500 barrels Portland cement received from the United States by steamer Seneca arrived on the 29th May last,; said appraisement being considered contrary to paragraph 2 schedule A of the reciprocity agreement between Spain and the United States. I also enclose certificate of origin of the said Portland cement, with its translation.

I am, etc. etc.

(Signed) Ramon O.Williams,

Consul General.

Enclosure No. 3.

With Despatch No. 2028

H A V A N A , October 18,1893.

Copy.

No.57.

Consulado General de
los Estados Unidos en
la Habana.

Cumpliendo con instrucciones de mi Gobierno sobre el particular, tengo el honor de presentar a la consideracion y resolucion de V.E. la adjunta copia certificada de la protesta de Don Ricardo Narganes, Admor. Gral. de la Compañia Hispano Americana de Gas, contra el aforo hecho por la aduana de este puerto sobre 500 barriles cemento Protland importados por vapor americano "Seneca" entrado el 29 de Mayo ultimo; por considerar dicho aforo contrario a la partida 2 tabla A del Convenio de Reciprocidad entre España y los Estados Unidos. Acompaño tambien certificado de procedencia de dicho cemento Portland, con su copia traducida.

Dios guarde a V.E. muchos años.

Habana, Octubre 18 de 1893.

(Signed) Ramon O. Williams,

Consul General.

Excmo. Sr. Intendente Gral. de Hacienda de esta Isla.

No. 2029.

U.S. Consulate General.
Havana, Oct. 19th, 1893.

Mr. Williams
to the
Department of State.

Replying to Department's instruction nos 841, 848 and 850, relating to the Repertory.

1 Enclosure.

No. 2029.

U.S. Consulate General.
Havana, October 19, 1892.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir.

Replying to the Department's instructions Nos 841, 848 and 850, relating to the Repertory, I beg to inform you of having called yesterday on the Secretary General to ascertain if the Government had received the translated copy of the original signed at Washington on the 12th of October, 1892, which was certified and forwarded it by the Legation. I was answered in the affirmative and told by the Secretary General that as soon as it was received the Governor General telegraphed

the

the fact to the Colonial Minister, and that the latter immediately replied: that the Repertory now in use here, the same as was forwarded from Madrid on the 8th of January, and published in the Havana Gazette on the 26th, 27th and 28th of February last, is an official translation of the English original agreed upon at Washington; therefore, no other text is admissible; and in case it contains errors that they must be corrected at Madrid by common consent. In consequence, said the Secretary General, the Repertory now in use here must continue, until the Governor General is otherwise instructed by the Colonial Minister. He kindly furnished me a copy of the telegram of the Colonial Minister, which is herewith accompanied with translation for the information of the Department.

1/

I am,

I am, Sir,
Very respectfully,
Your obt. Servant,
Ramm D. Williams,
Consul General.

1 Enclosure:
No. 1 – Copy and translation of telegram referred to.

Enclosure No.1.

With Despatch No.2029.

H A V A N A , October 19,1893.

Translated by Consul General Williams.

---------- O ----------

Telegram.

From the COLONIAL MINISTER to the GOVERNOR GENERAL.

MADRID,October 5,1893.

Repertory in force is official translation from english original agreed in Washington copy of which was forwarded mail 8 June: any other text inadmissible: case it contains errors,should be corrected at Madrid by common agreement.

Enclosure No1.

With Despatch No. 2029.

H A V A N A , October 19,1893.

Copy.

Telegrama.

El MINISTRO de ULTRAMAR al GOBERNADOR GENERAL.

MADRID,5 Octubre,1893.

Repertorio vigente es traduccion oficial original ingles convenido en Washington remitiose ejemplar correo 8 Enero ultimo: inadmisible cualquiera otro texto:caso contener errores,debieran rectificarse Madrid comun acuerdo.

No. 2030.

Consulate-General, U. S. A.,

Havana, October 19, 1893.

FILE

Mr. Williams,

To the Department of State.

Subject:

Receipt of instructions numbers 846 to 851, inclusive.

Abstract of Contents.

No. 2030.

Consulate-General, U. S. A.,

Havana, October 19th, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's instructions numbered from 846 to 851, inclusive, of which numbers 846, 848 and 850, — have been reported upon separately.

I am, Sir,

Very respectfully,

Your obedient servant,

Fitzhugh Lee,

Consul General.

6

No 2031.

U.S. Consulate General,
Havana, Oct. 19 1893.

Mr Williams
to the
Department of State

Advising departure for
New York, on leave of absence

No 2039.—

U.S. Consulate General.
Havana, October 19 1893.

To the
Honorable
Assistant Secretary of State
Washington
D.C.

Sir:

Availing myself of the leave of absence, with permission to visit the United States, granted me by instruction no 840, of Sept 9th last, I now have the honor to inform the Department that I shall leave this evening for New York, by am. Steamer "Saratoga", and consequently my leave started count from to-morrow's date.

During my absence,

the office will be in charge of Mr. Joseph A. Springer, U.S Consular Clerk & Vice Consul General.

My address, while on leave in the United States, will be my residence, No 35- Cambridge Place, Brooklyn New York.

I am Sir;

Very respectfully
Your Obt Servant
James O. Williams,
Consul General.

No. 2032.

Consulate-General of the United States,

Havana, October 20th, 1893.

Mr. Springer

To the Department of State.

FILE

Subject:

Departure on leave of absence of Consul General Williams, and having taken charge of Consulate general from this date.

Abstract of Contents.

No. 2032.

Consulate-General of the United States,

Havana, October 20th, 1895.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to inform the Department, that under leave of absence granted in instruction number 840, Consul General Williams sailed yesterday for New York, on steamer "Saratoga."

I have therefore assumed charge of the Consulate General as Vice Consul General, from this date.

Very respectfully,
Your Obt. servant,

Joseph A. Springer
Vice Consul General.

No. 2033.

U.S. Consulate General.
Havana, Oct. 23, 1893.

Mr. Springer,
to the
Department of State.

Case of the wreck of the
American bark "Jennie Jackman."

1 Enclosure.

No. 2033.

U.S. Consulate General.
Havana, October 23, 1893.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir.

Referring to the previous correspondence of this office, with respect to the case of the wreck of the American Bark "Jennie Cushman", I have the honor to enclose for the information of the Department, a copy with translation, of a communication dated the 16th instant and received from the Commandancy General of Marine of the Naval Station at Havana, advising this office of the sale at public auction on the 21st September last, of the said wrecked vessel

and

and cargo; the delivery of the vessel to the purchaser, and distribution of the proceeds of the sale, — $ 675 —, among the salvors, watchmen and surveyors according to regulations, thereby closing up this matter.

I am, Sir,
Very respectfully,
Your Obt. servant,
Louis A. Springer
Vice Consul General.

1 Enclosure:
No. 1 — Copy and translation of the communication from the Commandancy General of Marine, October 16th.

Enclosure No. 1.

With Despatch No. 2033.

H A V A N A , October 23, 1893.

Translation.

GENERAL COMMANDANCY OF MARINE of the NAVAL STATION OF HAVANA.

To the Consul General of the United States,

Present.

Sir:

As I informed you on the 9th of September last, on the 21st of the same month took place simultaneously at this capital and at Arroyos de Mantua the sale at public auction of the american bark JENNIE CUSHMAN, and her cargo, it being awarded to Mr. Enrique Nostre y Lago who presented himself as the only bidder in the latter place, offering $675, bettering thereby in $25 the amount of the appraisement; in view thereof the said vessel and cargo was delivered to him, the proceeds being distributed among the finders, watchmen and surveyors according to law; this matter being therefore settled.

I report the above for your information.

God guard you many years.

HAVANA, October, 16, 1893.

(Signed) ALEJANDRO ARIAS SALGADO.

Enclosure No. 1.

With Despatch No. 2033.

H A V A N A , October 20, 1893.

Copy.

COMANDANCIA GENERAL de MARINA del APOSTADERO

de la H A B A N A .

Como anuncié á V.S.en escrito de 9 de Septiembre ppdo.,el dia 21 del mismo mes tuvo efectivamente lugar el remate público,con carácter de simultaneidad en esta Capital y Arroyos de Mantua,de la barca americana naufraga JENNIE CUSHMAN y su carga,habiendose adjudicado á D.Enrique Noste y Lago que se presentó como unico postor en este último punto,ofreciendo $675 ó sea mejorando el tipo de tasacion en $25; en virtud de lo cual le fue entregado dicho buque y cargamento habiendose hecho la distribucion del producto entre los halladores,guardianes y peritos segun la legislacion vigente,y quedando por tanto terminado este asunto.

Lo que participo á V.S.para su inteligencia.

Dios guarde á V.S.muchos años.

HABANA,16 de Octubre de 1893.

(Signed) Alejandro Arias Salgado.

Sr.Consul Gral. de los Estados Unidos en esta Plaza.

No. 2034.

U. S. Consulate General.
Havana, Oct. 24, 1893.

Mr. Springer.
to the
Department of State.

Case of the shooting on board of Edward J. Miller, mate of Am. Schr. "Rebecca J. Moulton" on the 17th of January, 1892, by Henry Heurecker, steward of said vessel.

1 Enclosure.

No 2034.

U.S. Consulate General.
Havana, October 24, 1896.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the case of the shooting on board of Edward J. Miller, mate of the Am. Schr. "Rebecca A. Moulton" on the 17th. of January, 1892, by Henry Heinecker, steward of said vessel, the particulars of which, as well as of the trial and sentence of Heinecker for wounding an Italian sailor on shore, which was just previous to the other offense, were reported to the Department in the despatches of this office

No.

No. 1481, Feby. 6th.; 1490, Feby. 20th; 1508, March 10th, 1892; 1808, February 25th; 1881, May 6th; and 1895, May 29th, 1893, I have now the honor to transmit copy and translation of a communication received from the Secretary General, to the effect that when Wenecker shall have served out the sentence decreed for the offense committed on shore, against which an appeal has been taken, he will then become subject to the jurisdiction of the United States, and this appeal will be advised in due season, in order to exercise its rights and comply with the orders of the Government.

I am, Sir, very respectfully,
Your obt. Servant,
Joseph T. Springer
Vice Consul General.

1/ Enclosure: Copy and translation as stated.

Enclosure No. 1.

With Despatch No. 2084.

H A V A N A ,October 24, 1893.

Translation.

GENERAL GOVERNMENT of the ISLAND of CUBA.

OFFICE of the GENERAL SECRETARY.

To the Consul General of the United States,

Present.

Sir:

In answer to your polite note of the 10th of May last I have the honor to transmit the following communication which the Superior Court of this city addresses this General Government in consequence of the proceeding relating to the american citizen,Mr.Henry Heweeker:

"Excellency:- Part First of the Criminal "Court of this Superior Court,under date of the "14th instant,informs this Presidency as follows:

"Excellency:- Part First of the Criminal "Court,over which I have the honor to preside, "having been asked by the communication from the "General Government of the 5th September to be "informed,if the sentence decreed in the cause "against Mr.Henry Heweeker,proceeding from the "extinguished Court of the Eastern District had

"been declared definite; the time that he commence
"to serve it and when he shall have served it
"out, has resolved to inform Y.E. that the said
"sentence has not yet been declared definite
"because of the appeal against the same, made by
"the soliciter D. Antonio Diaz de Villar, in the
"name of the accused, before the Supreme Court,
"before which it is now pending. Which I have
"the honor to transmit to you, in answer to your
"communication of the fifth instant."

By order of H.E. the Governor General, I transmit you the foregoing informing you at the same time that, while the sentence against said Henry Heweeker for discharge of fire arms and wounds inflicted, is not declared definite and executory, this Government General cannot interfere in the free action of the Courts of Justice, but that even if the sentence decreed by the Superior Court should be confirmed by the Supreme Court, the accused cannot be placed at the disposal of your Government until he shall have served out his sentence, because his transfer to another country would be equivalent to suspending the effects of a penalty, now irrevocable; therefore, when the american citizen, Henry Heweeker, shall have served out his sentence for the offense committed on shore he will then be subject to the Courts of the United

States, to which end you will be informed of the course of the process, now pending before the Supreme Court, in order that in due season you may exert your rights and comply with the orders of your Government.

God guard you many years.

HAVANA, Oct. 10, 1893.

(Signed) Estanislao de Antonio.

Enclosure No. 1.

With despatch No. 2034.

H A V A N A , October 24, 1893.

Copy.

GOBIERNO GENERAL de la ISLA de CUBA.

SECRETARIA GENERAL

GRACIA Y JUSTICIA.

Muy Señor mio:

En contestacion á su atento escrito fecha 10 de Mayo último, tengo el honor de transcribir á continuacion la comunicacion que esta Real Audiencia dirige á este Gobierno general á consecuencia de las gestiones practicadas referentes al súbdito de su Nacion, Mr. Henry Hewecker.

"Excmo. Señor: - Por la seccion primera de la "Sala de lo Criminal de esta Audiencia con fecha "14 del actual, se manifiesta á esta Presidencia "lo siguiente: Excmo. Señor: -Dada cuenta á la "Seccion 1 de la Sala de lo Criminal que tengo la "honra de presidir, con la comunicacion del Go- "bierno Gral. de esta Isla, fecha cinco del actual "(Septiembre) solicitando se le informe si la "sentencia dictada en la causa procedente del "extinguido Juzgado del Este y seguida contra "Mr. Henry Hewecker, por disparo de arma de fuego "y lesiones, ha sido declarada firme, cuando em- "pezó á cumplirla y cuando terminará, ha acor-

"dado se ponga en conocimiento de V.E.que la men-
"cionada sentencia aún no se ha declarada firme
"en virtud de haberse interpuesto recurso de
"casacion contra la misma por el procurador
"D.ANtonio Diaz de Villar,a nombre del referido
"procesado,encontrándose por lo tanto pendiente
"dicho recurso en la Sala segunda del Tribunal
"Supremo. Lo que tengo el honor de transcribir
"a V.E.en contestacion a su atento oficio de
"cinco del actual (Septiembre).

Lo que de orden del Exemo.Sr.Gobernador Gral. participo á V.S.significandole a la vez de su propia orden que mientras no sea firme y ejecutoria la sentencia que condeno al mencionado Hewecker en la causa que se le sigue por disparo de arma de fuego y lesiones, no puede este Gobierno Gral.intervenir en la accion libre de los Tribunales de Justicia,pero que aun confirmada por el Tribunal Supremo la sentencia dictada por la Audiencia,mientras no cumpla el procesado la condena que se le imponga,no puede quedar á disposicion de su Gobierno,puesto que su traslado a otro pais equivaldria á suspender los efectos de una pena que es ya irrevocable; por consiguiente cuando el subdito americano Hewecker termine su condena por el delito que cometio en tierra quedara sometido a los Tribunales de los Estados Unidos,para lo cual se tendra a V.S. al corriente del curso que siga la causa,pendiente

hoy del fallo del Tribunal Supremo,para que en momento oportuno pueda V.S.hacer valer sus derechos y cumplir las órdenes dictadas por su Gobierno.

Dios guarde á V.S.muchos años.

HABANA,10 de Octubre de 1893.

(Signed) Estanislao de Antonio.

Sr.Consul Gral. de los Estados Unidos en esta Plaza.

No. 2035.

U.S. Consulate General.
Havana, Oct. 24, 1893.

Mr. Springer
to the
Department of State.

FILE

Claim of Messrs. J. Meeke & C., of New York, against the collection of import duties on American codfish at Santiago de Cuba.

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2 Enclosures.

No. 2035.

U.S. Consulate General.
Havana, Oct. 24, 1893.

Honorable
Assistant Secretary of State,
Washington, D.C.

Sir.

With further reference to Consul General Williams' Despatch No. 2008 of the 20th. ultimo relating to the claim of Messrs. J. Meeke & Co, of New York, against the collection by the custom house of Santiago de Cuba of $134.21 for import duties on American codfish, contrary to the Reciprocity Agreement, I now have the honor to enclose copy of letter received from Mr. Hyatt, our consul at that port, furnishing this office with the particulars of the case, also copy with translation of my communication of this date bringing the matter

1/

2/

before

before the Superior authority
of the Governor General of the
Island..

I am, Sir,
Very respectfully,
Your obt. Servant,
Jno. A. Springer
Vice Consul General.

2 Enclosures:
No. 1 - Mr. Hyatt's letter, Oct. 19 -
" 2 - Mr. Springer to Governor General,
Oct. 24 -

Enclosure No.1.

With Despatch No.2035.

H A V A N A October 24, 1893.

Copy.

U.S.Consulate.

Stgo.de Cuba, Oct.19, 1893.

Ramon O.Williams, Esq.

U.S.Consul General,

Havana.

Sir:

I have to acknowledge the receipt of your letter of the 13th instant in answer to mine of the 5th inst.

After a careful investigation and according to answer from letter of Messrs.Vilaret and Co., there has been two shipments of american codfish made by Messrs. J.Mecke and Co., of New York, as follows:

Dec. 4,1891,-	50 drums	S.S.	SANTIAGO	$ 69.43
" 19, "	50 do.	"	CIENFUEGOS	" 64.78
				$134.21.

Enclose you will find two receipts from the custom house for the duties paid on the two shipments of codfish.

very respectfully etc.

(Signed) Pulaski F.Hyatt,

Consul.

Enclosure No.2.

With Despatch No. 2035

H A V A N A ,October 24, 1893.

Copy.

U.S.Consulate General.

HAVANA,October 24,1893.

To His Excellency the Governor General

of the Island of Cuba.

Excellency:

In compliance with a special instruction of my Government,I have now to complain before the superior authority of Y.E.against the appraisement and collection made by the custom house of Santiago de Cuba on two lots,of fifty bales each,of codfish of american origin,shipped by Messrs.J.Meeke and Co.,of New York,and imported at Santiago de Cuba by Messrs. Vilaret and Co.,of that port,as follows:

		DUTIES.
Dec. 4,1891,-50 bales codfish by	S.S.SANTIAGO	$ 69.43
" 19,1891,-50 do. do.	do.CIENFUEGOS	" 64.78
		$134.21

notwithstanding said codfish is embraced under paragraph 4 of the transitory schedule of the Reciprocity Agreement between Spain and the United States ruling since September first,1891; and confirmed by paragraph 32 schedule A of the definitive schedule of the same Agreement,ruling since July first,1892.

Therefore, I have the honor to request Y.E.may be pleased to instruct the custom house of Santiago de Cuba to refund the duties wrongfully collected on the said merchandise, because thus exacted by the reciprocity agreement .

I am, etc. etc.

(Signed) Joseph A.Springer,

Vice Consul General.

Enclosure No.2.

With Despatch No. 2035.

H A V A N A , October 24, 1893.

Copy.

Consulado General de
los Estados Unidos.

HABANA, Octubre 24 de 1893.

Excmo.Sr.Gobernador General de la Isla de Cuba.

Excmo.Señor:

En cumplimiento de una instruccion especial de mi Gobierno, me veo en el caso de quejarme ante la superior autoridad de V.E. contra el aforo y cobro de derechos practicado por la aduana de Santiago de Cuba sobre dos partidas, de a 50 tabales cada una, de bacalao de origen y procedencia americana, embarcados por los Sres.J.Mecke y Ca, de Nueva York, é importados en Cuba por los Sres.Vilaret y Ca., de aquella plaza, en la forma siguiente:

		DERECHOS.
Diebre. 4, 1891-50 tabales pr.vap.	SANTIAGO	$ 69.43
" 19 1891-50 id.	id. CIENFUEGOS	" 64.78
		$134.21

no obstante hallarse el bacalao comprendido en la partida 4 de la tabla transitoria del Convenio de Reciprocidad entre España y los Estados Unidos vigente desde el primero de Septbre. de 1891; ratificada ademas dicha partida por la 32 de la tabla A definitiva del propio Convenio, vigente desde el primero de Julio de 1892.

Por lo tanto, tengo el honor de pedir á V.E. se sirva mandar instruir á la aduana de Cuba a fin de que se reintegren los citados derechos indebidamente cobrados sobre dicho bacalao, por exigirlo asi el debido cumplimiento del Convenio de Reciprocidad.

Aprovecho la oportunidada para ofrecer a V.E. etc.

(Signed) Joseph A. Springer,

Vice Consul General.

No. 2036.

Consulate-General of the United States,

Havana, October 26, , 1893.

Mr. Springer,

FILE

To the Department of State.

Subject:

Acknowledging receipt of Department's circular of September 28, 1893.

Abstract of Contents.

No. 2036

Consulate-General of the United States,

Havana, October 26, 1893.

Honorable

Assistant Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of the Department's circular dated the 28th September, 1893, the directions of which will be observed.

I am, Sir,

Very respectfully,

Your obedient Servant,

Joseph A. Springer

Vice Consul General.

No. 2037.

U.S. Consulate General.
Havana, Oct. 27, 1893.

Mr. Springer
to the
Department of State.

Case of Henry Howard.

1 Enclosure.

No. 2037.

U.S. Consulate General.
Havana, October 27, 1896.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

With further reference to Consul General Williams' despatch No. 2023 of the 16th instant, relating to the case of the american citizen, Henry Howard, I now beg to enclose copy and translation of a communication received to-day from the Captain General, informing this office that he had inhibited himself in favor of the Court of Guanabacoa, of the military proceedings against said Howard.

I am, Sir, very respectfully,
Your obt. servant,

Joseph A Springer
Vice Consul General.

One enclosure.

Enclosure No. 1.

With Despatch No. 2087

HAVANA, October 27 1893.

Translation.

CAPTAINCY GENERAL of the ever faithful

ISLAND OF CUBA.

HAVANA, Oct.26, 1893.

To the Consul General of the United States,

Present.

Sir:

In answer to your attentive communication of the 14th August last, I have the honor to inform you that under this date I have inhibited myself in favor of the Court of Guanabacoa, of the military cause instituted against the american citizen, Mr. Henry Howard, for an offense against the armed force.

I am, etc. etc.

(Signed) EMILIO CALLEJA.

Enclosure No. 1.

With Despatch No. 2037.

H A V A N A , October 27 1893.

Copy.

CAPITANIA GENERAL de la siempre fiel ISLA DE CUBA.

ESTADO MAYOR.

Exemo.Señor:

En contestacion de su atenta comunicacion de 14 de Agosto último, tengo el honor de participarle, que con esta fecha me he inhibido en favor del Juzgado de Instruccion de Guanabacoa, de la causa militar que se instruía contra el subdito americano, Mr. Enrique Howard, por el delito de insulto á fuerza armada.

Dios guarde á V.E. muchos años.

HABANA 26 de Octubre de 1893.

(Signed) EMILIO CALLEJA.

Exemo.Sr.Consul Gral.de los Estados Unidos. HABANA.

No. 2038.

U. S. Consulate General.
Havana, Oct: 28th 93.

Mr. Springer
to the
Department of State

FILE

Receipt of Instructions;
and having forwarded Prices
Current of Cigars, for the
Treasury Department.

No. 2038.

U.S. Consulate General
Havana, Oct 28 1893.

To the
Honorable
Assistant Secretary of State.
Washington.
D.C.

Sir:

I have the honor to acknowledge receipt of the Departments instructions numbers 852, 853 and 854, dated respectively 13th, 14th and 18th instant.

The 35 copies of Spencers Cigar Prices Current, for use of Customs officers, ordered by the Secretary of the Treasury, are forwarded in todays porch.

Very respectfully,
Your Obedient servant
Joseph A. Springer
U.S. Vice Consul General

No 2039.

U. S. Consulate General.
Havana, October 28 1893.

Mr. Springer
~~to the~~
Department of State.

Ans'd Nov 15

Case of Jacio Ferrer.

Complaint against ill-treatment by certain authorities of Alquizar.

Two enclosures.

No 2039.

U. S. Consulate General.
Havana, October 28 1893.

To the
Honorable
Assistant Secretary of State
Washington
D.C.

Sir:

I have the honor to transmit herewith, copy and translation of a communication addressed to this office by Mr. Jasio Ferrer, an american citizen, making complaint against certain authorities of his town, Alquizar, Province of Pinar del Rio, and asking to have this office request the Governor General to order an investigation of the matter for proper reparation. 1/2

I therefore presented a copy of the said complaint

to H. C. the Governor General and asked that he be pleased to order an investigation for the corresponding effects -

Mr. Tasio Ferrer, the complainant, is the son of Mr. Suarés Ferrer, a native of Cuba, who, as appears from the registration of himself and family in this Consulate General in January 1871, was naturalized as a citizen of the United States, in New Orleans in 1858. He had been a resident of that city for a number of years, had married there, and three of his children were born there. He came to Cuba in 1864 and purchased the coffee plantation, "La Estrella", in Alquizar, where he resided with his family until his death in August of 1891.

Here were also born to him five more children. Jasio, the complainant, was born in 1868, and has ever since lived in this country - He has endeavored to preserve his status as an American citizen and required recognition as such by the authorities of the Island, upon the annual exchange and issue of "cedulas", or police passes, and it is stated that he so strenously claimed this privilege, that he refused the appointment of "Alcalde del Barrio", or justice of the peace, as a charge incompatible with his citizenship.

Very respectfully
Your obedient servant

Charles H. Springer
Vice Consul General.

2. Enclosures:
1. Mr Springer to Governor General,
2. Mr. Ferder to the Consul General.

Enclosure No. 1.

With Despatch No. 2039.

H A V A N A , October 28th 1893.

Copy.

U.S.Consulate General.

Havana, October 26 , 1893.

To His Excellency

the Governor General of this Island.

Excellency:

I have the honor to enclose copy of a complaint presented to this Consulate General by Mr.Tasio Ferrer, an american citizen, against certain authorities of the municipal district of Alquizar, and request that Y.E.may be pleased to order the investigation of this matter for the corresponding effects.

I am etc. etc.

(Signed) Joseph A.Springer,

Vice Consul General.

Enclosure No. 1.

With Despatch No. 2039

HAVANA, October 28th 1893.

Copy.

Consulado General de
los Estados Unidos
Habana, Oct. 26, 1893.

Excmo. Señor Gobernador General de esta Isla .

Excmo. Sr:

Tengo el honor de acompañar á V.E. copia de una queja presentada á este Consulado General por D. Tasio Ferrer, ciudadano americano, contra determinadas autoridades del término municipal de Alquizar, rogando á V.E. se sirva mandar investigar este asunto para los efectos que procedan.

Soy de V.E. etc. etc.

(Signed) Joseph A. Springer,
Vice Consul General.

Enclosure No.2.

With Despatch No. 2039.

H A V A N A , October 28, 1893.

Translation.

Alquizar, October 23, 1893.

To the Consul General of the United States,

HAVANA.

Sir:

As an american citizen I beg to report to you the following facts:

On the 19th ultimo while in my dwelling house on the grazing farm "Estrella", belonging to me, situated in the municipal district of Alquizar, I was notified by a couple of Civil Guards of the Mojanga post to leave my dwelling and start with them for the village of Mangas, under arrest; all the protests of my innocence and efforts to avoid this proceeding proving fruitless, and being obliged to leave my interests in complete abandonment.

I was taken to the Municipal Court of Mangas where I was received by the Judge D.Jose Victorero, and after two days had elapsed without having been called upon to testify, I was conveyed to the city of San Cristobal remaining there one day in jail, being fed with the same food furnished to individuals subject to criminal proceedings; the Alcaide (jailer) having

taken pains to inform me of my duty to wash out the place and comply with the other obligations required of prisoners.

These three days of suffering having passed, separated from my wife and children and my interests completely abandoned, I made a declaration before the Judge of First Instance, and then I was inmediately released.

I have also to observe that I was taken on foot, handcuffed and suffering the rigors of the rains, for a distance of 39 miles (13 leguas) and also that upon reaching the San Cristobal river I had to ford it on horseback, handcuffed, exposed to a fall and deprived in that case, of the right that every human being has to struggle for life.

The following are, as I have learned, the causes of this proceeding:

The Alcalde of Mojanga, who recently committed suicide because of having issued false passes for animals, left a letter stating that he was not a bandit, but that a certain individual referred to in said letter, and the undersigned, who protected this individual, were such.

I do not doubt that if you request H.E. the Governor General to investigate the matter he will do so with his usual zeal and interest.

Therefore, I hope you will take the steps you

may consider necessary to obtain the proper reparation.

I am ,Sir, etc. etc.

(Signed) Tasio Ferrer.

Enclosure nº 2 with Despatch nº 2039.
Havana Oct 23d 1893

Copia.

Con mi carácter de ciudadano americano pongo en conocimiento de V.S. los hechos que relataré á continuacion:

Encontrándome el dia 19 de este mes en la casa de vivienda del potrero "Estrella" de mi propiedad situado en el término municipal de Alquizar fuí requerido por una pareja de la Guardia civil del puesto de Mojanga á fin de que abandonase mi morada trasladándome al pueblo de las Mangas como detenido, sin que para evitarlo valiesen las protestas que hice de no haber dado lugar á la adopcion de tal medida y no ser posible en modo alguno que mis intereses quedasen como quedaron en completo estado de abandono.

Me llevaron al Juzgado Municipal de las Mangas, recibiéndome allí el Juez Don Jose Victorero y despues de pasar dos dias sin que se me recibiera declaracion alguna fuí conducido á la ciudad de San Cristobal donde estuve un dia en galera, alimentándome con la misma comida que se dá á los individuos sujetos á procedimientos criminales y no sin que el alcaide dejara de indicarme la obligacion en que me hallaba de baldear el local y cumplir con las obligaciones todas de los detenidos.

Cumplidos estos tres dias de martirio, separado de mi esposa é hijos y con abandono completo de mis intereses presté declaracion ante el Juez de Primera Instancia é inmediatamente fuí puesto en libertad.

Bueno es advertir que anduve á pie y esposado y sufriendo los rigores de los aguaceros que caian, un trayecto de 13 leguas, y tambien que al pasar el rio de San Cristobal tuve que montar

á caballo para atravesarlo con las esposas puestas espuesto a una caida y privado en tal caso del derecho que tiene todo ser humano á luchar por la conservacion de su existencia.

Segun he sabido la causa de tales medidas obdece á los siguientes hechos:

Al suicidarse el Alcalde de Barrio de Mojanga por haber expedido pases de animales y que segun se dice resultaron falsos, dejó una carta en que declara que él no era bandido y que si lo era cierto individuo á que en esa carta se refiere y el que suscribe porque lo protegia.

No dudo que si V.S. ruega al Excmo. Sr. Gobernador General se sirva mirar esta cuestion con el celo é interés que ha demostrado siempre por los asuntos todos de esta Isla asi lo hará.

En esa virtud espero se sirva tomar las medidas todas que procedan al objeto de obtener la reparacion que corresponda.

Dios guarde á V.S. muchos años. Alquízar Oct. 23, 1893.

(Firmado) Tasio Ferrer.

Sr. Consul Gral. de los Estados Unidos en la Habana.

No. 2040.

U.S. Consulate General.
Havana, October 31 1893.

FILE

Mr. Springer
to the
Department of State.

Embargo of property belonging to citizens Henry D. Hamel & Co. by Customs authorities, for collection of duties on iron wire nails.

4. Enclosures.

No: 2040.

U.S. Consulate General.
Havana, October 31 1893.

To the
Honorable,
Assistant Secretary of State.
Washington.
D. C.

Sir:

With reference to Consul General Williams' dispatch number 2020, of October 14th on the subject of the compeaint of Messrs A.R. Whitney & Co, of New York, against the exaction by the customs authorities of this Island, of duties on american wire nails, and to the official communication he presented by special instruction of the Department, on the 13th October to the Governor General, - I have now the honor to

inform the Department, that on the 30th instant, this office was advised by Messrs Henry B Hamel & Co, that on that 1/2 day, agents of the custom house authorities had laid an embargo upon certain merchandise belonging to said firm, and also upon a house belonging to the senior partner, to respond to the payment of the duties which the Custom House pretends to collect upon american wire nails to their consignment; and asked this office to take the steps necessary in the matter.

I consequently addressed a communication to H. E. the 3/4 Governor General, respectfully calling his attention to the previous communication from this office and requested that he exercise his superior authority to order the raising of the embargoes

already laid, and the suspension of all further proceedings in the matter by the customs authorities, pending the resolution of the question presented to him in said communication of Oct 18th.

I presented it in person to General Calleja, who carefully read it through, and remarked that all these troubles came from the inaccuracy of the copies of the Repertory, but that the matter should receive his attention.

I accompany copies and translations of the correspondence.

I am, Sir, Very respectfully,
Your Obedient Servant,
Joseph A. Springer.
Vice Consul General.

4 Enclosures:

1 & 2 Messrs Henry B. Hamel & Co, to Mr Springer.
3 & 4 Mr. Springer to the Governor General.

Enclosure No.1,

With Dispatch No. 2 0 4 0.

H A V A N A , October 31st,1893.

Copy.

HAVANA, October 28th,1893.

Joseph A.Springer, Esq:

U.S.Vice Consul General,

HAVANA.

Sir:

A process server,(ejecutor de apremios,) of the Custom House of this port,has today presented himself in our office,to notify us that he would proceed to embarge the effects or merchandise of the firm,to respond to the payment of the amounts which the Custom House pretends to unjustly collect of us for duties upon wire nails,-of which we have already advised your Consulate; and as this notification made us today,shows that the superior authorities of the Island have not given instructions to the Custom House to suspend the proceedings by which it is endeavoring to force payment of us,notwithstanding that it is over a month ago, we presented the corresponding protest through the Consulate General, we now beg you will be pleased to take such steps as are necessary to prevent the Custom House from carrying into effect the embargo with which it threatens us,and to stop all the annoyance and injury their unlawful exactions cause us.

Very respectfully, Your Obt Servants,

(Signed) Henry B.Hamel & Co.

Enclosure No.2.

With Dispatch No. 2040.

H A V A N A , October 31st,1893.

HAVANA, October 30th,1893.

Joseph A.Springer, Esq:

U.S.Vice Consul General.

HAVANA.

Sir:

Under date of the 28th instant,we informed you that an officer of the Custom House of this Port,had notified us he would embargo the effects or merchandise of our firm to respond to the payment of the duties which have been unjustly imposed upon wire nails of american origin imported by us. After writing said letter,the said officer came later and carried into effect the embargo upon effects and merchandise of the firm. He has also levied an attachment upon a house,the property of our senior partner, Mr.Henry B.Hamel,for the same account,--collection of duties upon wire nails,--; against these embargoes we protested,although the officer stated that the Collector would not accept nor permit any protest in writing in the attachment proceedings.

We transmit you the official notices of the execution of said embargo,and beg that you will do what is proper in the premises.

Very respectfully, Your obedient servants,

(Signed) Henry B.Hamel & Co.

Enclosure No. 3.

With Dispatch No. 2040.

H A V A N A , October 31st,1893.

Copy-translation.

U.S.CONSULATE GENERAL.

HAVANA, October 30th,1393.

To His Excellency the Governor General

of the Island of Cuba,

etc, etc,

Excellency:

I have to inform Y.E.that two letters have today been received by this Consulate General,from Messrs HENRY B.HAMEL & CO, of this city,advising it that under date of the 28th instant,an officer of the Custom House of this port,had embargoed certain merchandise and property belonging to said firm,to respond to the payment of duties which the Custom House had imposed upon wire nails of American manufacture and origin,imported by them or to their consignment, which embargo had been notified to them on the same day ; and further,that today,the 30th instant,the same officer had attached a house,the property of the senior partner of the firm, Mr.HENRY B.HAMEL, for the same account,--collection of duties imposed upon wire nails,-- against which act he had protested,notwithstanding that the said officer had stated to him that the Collector did not desire nor would permit any protest in writing should be made to the attachment proceedings.

This arbitrary action on the part of the customs authorities show that instructions had not yet been received from Y.E's superior authority, as asked for in a communication, which by special instruction of the Government of the United States, was addressed to Y.E. by the Consul General, under date of the 17th instant, asking Y.E. in the exercise of your superior authority to be pleased to order that iron wire nails of American manufacture and origin be admitted free of duties, in conformity with paragraph 13, Schedule A. of the Reciprocity Agreement; or to have the goodness to direct that the reasons to the contrary be communicated to this office, in order to lay them before the Government of the United States.

I have now again to respectfully call the attention of Y.E. to the aforesaid communication, (accompanying a copy of same for easier reference,) and to beg that Y.E. be pleased to order, that ,pending the resolution of the question presented in said communication, the embargoes already levied shall be raised, and all further attachment proceedings on the part of the customs authorities, be suspended.

I have the honor to be, with the greatest consideration and respect,

Your Excelleney's most obedient servant,

)Signed) Joseph A. Springer.

Vice Consul General.

Enclosure No. 4.

With Dispatch No. 2 e 4 e.

H A V A N A , October 31st,1893.

COPY.

Consulado General de los Estados Unidos.

HABANA, Octubre 31 de 1893.

Exmo. Señor Gobernador General

de la Ysla de Cuba.

etc, etc,

Exmo Señor:

Tengo que poner en conocimiento de V.E. que hoy se han recibido en este Consulado General dos cartas de los Sres HENRY B.HAMEL y CIA,de esta plaza, participándole, que con fecha 28 del actual,un ejecutor de apremios de la Aduana de este Puerto,habia llevado á efecto el embargo sobre varias mercancías y propiedades de su casa,para responder al pago de los derechos que habia impuesto la Aduana sobre los clavos de alambre de procedencia americana,importados por ellos,ó á su consignacion ; cuyo embargo les habia sido notificado el mismo dia; y que hoy, el 30,el mismo ejecutor de apremios habia embargado una casa,propiedad del gerente de la referida sociedad,Mr. HENRY B.HAMEL,por consecuencia del mismo asunto,-- cobro de derechos sobre los clavos de alambre,-- contra cuyo acto habia protestado,á pesar de que el Sr. Comisionado le habia manifestado que el Sr.Administrador no queria aceptar ó permitir que por escrito protestara en el expediente de embargo.

Demostrando este procedimiento arbitrario por parte de las autoridades aduaneras, que aun no habianse recibido las instrucciones de la superior autoridad de V.E. segun lo pedido en una comunicacion que de orden especial del Gobierno de los Estados Unidos, se le dirigió de este Consulado General con fecha 17 del actual, para que en uso de su superior autoridad, ordenara V.E. que los clavos de alambre de hierro de manufactura y procedencia americana sean admitidos libres de derechos, de acuerdo con el párrafo 13, Table A. del Covenio de Reciprocidad ; ó bien que tuviera V.E. la bondad de mandar comunicar á esta oficina las reazones que existieran en contra, para ponerlas en conocimiento del Gobierno de los Estados Unidos.

Tengo ahora que llamar nueva y respectuosamente la atencion de V.E. á la citada comunicacion, (acompañando una copia para mas facil referencia,) y de rogar á V.E. se sirva ordenar
Aque mientras tanto no se resuelva el punto presentado en la citada comunicacion, se levantasen los embargos ya impuestos, y se suspendiera todo demas procedimiento derapremio por parte de las autoridades aduaneras.

Tengo el honor de ser, con la mayor consideracion y respeto, de V.E. S.S. Q.B.S.M.

(Signed) Joseph A. Springer.

Vice Consul General.

No. 2041.

U.S. Consulate General.
Havana, Oct. 31 1893.

Mr. Springer
to the
Department of State

American barbed wire for fences.

Intendant General advises that same will be admitted free of duties; and duties collected thereon will be returned.

Two enclosures.

No: 2041.

U. S. Consulate General.
Havana, October 31 1893.

To the
Honorable
Assistant Secretary of State,
Washington.
D. C.

Sir:

With reference to the previous dispatches of this office upon the subject of barbed wire for fences, numbers 1936 and 1945, of July 18th and 26th respectively, and especially number 1993, of september 13th, last,— I have now the honor to transmit herewith copy and translation of a communication received from the Intendant General of Finance, to the effect that the Custom House at Santiago de Cuba, is notified

that american barbed wire for fences is free of duties, under Art: 13, Schedule A, of the definitive repertory; and all duties collected on such goods since February 25th last, on which date the said Repertory went into effect, should be refunded; and further, that all claims for return of duties collected previous to the publication of said definitive Repertory on the date mentioned, should be returned for settlement to the Sub-Intendancy of Finance, or in defect thereof, would be forwarded to the Ministry of the Colonies.

A copy of this communication has been forwarded to our consul at Santiago de Cuba.

Very respectfully
Your obedient servant,
Joseph A Springer
Vice Consul General.

Two enclosures.
The Intendente & the Consul General.

Enclosure No. 1
With Dispatch No. 2041

HAVANA, October 31st, 1893.

Copy-translation.

INTENDANCY GENERAL of FINANCE,
of the Island of Cuba.

CUSTOMS.

In answer to your attentive official letter, which under date of September 12th last, you were pleased to address to H.E. the Governor General, complaining of the imposition of duties on american barbed wire for fences, by the Custom House at Santiago de Cuba, and asking that the duties collected thereon from the 1st of July, 1892, be ordered to be refunded,- I have the honor to inform you that under this date the said Custom House is reminded of the telegram which under date of April 1st, last, was sent to that Regional Government, ordering that the said wire should enjoy the benefits of Schedule A, No. 13, of the definitive Repertory for the application of the Agreement made with the Nation you so worthily represent, as also that all the duties collected under that head since the 25th of February last, on which date the said Repertory went into effect, should be refunded; and that all the claims treating of the return of duties for interpretation in the application of the said Agreement, made prior to the publication of the said definitive Repertory, should be returned to the Sub-Intendancy General of Finance, inorder in view thereof to determine

what is proper,or in defect thereof,to send them to the Ministry for the Colonies,as is ordered by a R.O.of 26th of April,last past.

Which is all that I have the honor to state to you for your knowledge and corresponding effects .

God guard you many years.

Havana, October 26th,1893.

(Signed) Antonio del Moral.

To the Consul General of the United States in this City.

Enclosure No. 2 —

With Dispatch No. 2041 —

H A V A N A , October 31st, 1893.

COPY.

Yntendencia General de Hacienda de la Ysla de Cuba.

ADUANAS.

En contestacion á su atenta carta oficial que con fecha 12 de Setiembre ultimo se sirvió dirigir al Exmo : Señor Gobernador General, quejandose del afore, que del alambre con púas para cercas se practica por la Aduana de Santiago de Cuba y pidiendo que se ordene la devolucion de los derechos cobrados por ese concepto desde 1 de Julio de 1892, tengo el honor de manifestarle que con esta fecha se recuerda á la referida aduana con telegráma que en 1 de Abril último se dirigió á aquel Gobierno Regional disponiendo que el espresado alambre gozaba de los beneficios de la Tabla A, No.13 del Reperterio definitivo para la aplicacion del Convenio con la Nacion que tan dignamente representa V.S., así como que se devuelvan todos los derechos cobrados por ese concepto desde 25 de Febrero último en que se puso en vigor el referido Reperterio y que se remitan á la Sub-Yntendencia General de Hacienda todas las reclamaciones que traten de devoluciones de derechos por interpretacion en la aplicacion del referido Convenio anterieres á la publicacion del espresado Reperterio definitivo, para en su vista resolver lo que proceda ó en su defecto enviarlas al Ministerio

de Ultramar como se dispone por una R.O.de 26 de Abril, proximo pasado.

Es cuanto tengo el honor de esponer a V.S.para su conocimiento y efectos.

Dios guarde á V.S.muchos anos.

Habana, 26 de Octubre de 1893.

(Signed) Antonio del Moral.

Señor Cónsul General de los Estados Unidos en esta Capital.

Terry.

No 2042

U. S. Consulate General.
Havana, Nov 4 1893

Ask if copy to Treasury Dept Nov. 17

Mr. Springer
to the
Department of State.

Loss of SS. "City of Alexandria" by fire, on 1st instant.

One enclosure.

See letter of Feb. 2 from Louis H. Bowen

No. 2042.

U. S. Consulate General.
Havana, Novr 4th 1893.

To the
Honorable
Assistant Secretary of State,
Washington.
D. C.

Sir:

I have to report the loss by fire, on the 1st instant of the American steamship "City of Alexandria", F. A. Hoffmann, Master, of the New York & Cuba Mail Steamship Co, belonging to Messrs James E. Ward & Co of New York.

This steamer arrived from New York at this port on the 29th ultimo, discharged cargo here, and on the 31st

ultimo, proceeded to Matanzas with her complement of 63 men all told, one passenger, and a gang of 35 stevedores from this place, to take in some 400 pipes of rum, sailing thence with said cargo on the following day, the 1st November, at 3.30 P.M. on her return trip to Havana.

At 5.40 P.M. the ship being then about 28 miles from Matanzas and 4 miles off shore, with a strong gale blowing and a heavy sea running, a tremendous explosion in the hold occurred, which blew out the hatches fore and aft, and all the sky lights. Fire was immediately discovered in the fore and after hold which rapidly gained headway.

Every effort was made during two hours or more labor to extinguish it, but without avail, and several other explosions occurred in the meantime. As the engines and boilers were still working, it was decided to beach the ship and save all lives possible. The engineers and firemen remained at their posts until driven out of the engine rooms by the heat and flames; the ship was headed for the shore, and as the engines worked slower and slower, the jib was set to aid her -
As soon as the vessel stranded which occurred at about 9. P.M. the ship being in flames fore and aft, the houses on fire, and communication on the decks cut off, all hands were

ordered to the boats and life rafts; after being buffeted by the high sea, losing by drowning the Purser, Quartermaster, one oiler and two waiters, most of the boats' crews reached the shore at different points, and then made their way on foot to the villages of Bacunao and Cogimar, - about six miles to eastward of Havana, reaching there next morning, and opening communication with Havana.

The first news of the disaster was brought by the boat in command of the second officer, which arrived in port at 5 A.M. the morning of the 2nd instant with seven of the crew and four of the stevedores on board.

The Port authorities and the consignees in this port, Messrs Hidalgo & Co., immediately took steps for the rescue of the survivors by sending out steam tugs, one of which picked up one boat containing 19 persons, and the body of a stevedore who had died from burns.

The Regional Governor of this Province also proceeded to Guanabacoa, with a staff of physicians and medical supplies to proceed thence to the place where the survivors were gathered to render them all required assistance.

During the last two days all the survivors have reached this city, and it then appeared that out of the entire number of the ship's company, but five

persons were lost.

Of the stevedores, seven are unaccounted for, and of the survivors several are badly burned.

No cause has been assigned for the disaster.

The crew were provided with lodging and clothing at the expense of the consignees, Messrs Hidalgo & Co, while the leading hotels vied with each other to lodge the officers and show them every attention.

I have today forwarded to New York, by the Steamer "Seneca", the survivors, 58 persons in all, and advise the Fifth Auditor of the Treasury accordingly - I enclose list of same, as well as of the persons lost.

I am, Sir, Very respectfully
Your Obt Servant
Joseph A Springer
Vice Consul General

1 enclosure - list of names.

Enclosure No. 1
Next Despatch No. 2042.
Havana, November 4, 1893

List of crew of the S.S. "City of Alexandria."

Saved

1.	K. A. Hoffmann	Captain
2.	E. P. Buck	1st officer
3.	William Field	2d "
4.	Christian Erickson	Carpenter
5.	J. N. Reed	Boatswain
6.	M. Rosenberg	Quartermaster
7	Charles Anderson	Sailor
8.	C. Johnson	"
9.	A. Neilson	"
10.	P. Scot	"
11.	He. Rosenberg	"
12.	Gustaveson	"
13.	C. Schell	"
14.	F. Johnson	"
15.	Erickson	Deck boy
16.	G. Godine	Cadet
17.	G. Porter	"

18.	Wm. Cole	Cadet	
19.	J. Lynch	Chief Engineer	
20.	Murray	1st Asst.	
21.	Mc Gee	2d	"
22	Jennings	3d	"
23	Donohue	Oiler	
24	Williams	"	
25	M. Brady	Fireman	
26	P. Brady	"	
27	F. Ward	"	
28	O. Ward	"	
29	Polin	"	
30	Antonio	"	
31	Kirk	"	
32	A. Beisman	"	
33	Kohle	"	
34	E. Dunstoff	"	
35	Manuel	"	
36	Antonio Tullis	"	
37	Ignacio	"	
38	Enrique Cruz	"	
39	N. Strohmeyer	Chief Steward	
40.	H. Hinze	2d	"
41	Mrs. Carter	Stewardess	
42	N. Clarkson	Chief Cook	

43.	F. Cullen	2d Cook
44.	J. Connor	3d "
45	M. Heron	Baker
46.	W. Wallace	Butcher
47	W. Harvey	Waiter
48	F. Hotterling	"
49	J. Carey	"
50	W. Tweed	"
51	Ch. Stewart	"
52	M. Jackson	Messman
53	M. Ryder	Messboy
54	F. Townsend	Steerage Steward
55.	R. Dittelbach	Barber
56	G. Kennedy	Porter
57	F. Peterson	Pantryman
58	H. Poll	2d Purser

Lost

1.	W. Bowen	Purser
2.	Th. Linden	Quartermaster
3.	W. Foster	Oiler
4	G. Schmidt	Waiter
5	Louis Block	"

No. 2043.

U. S. Consulate General.
Havana, November 4, 1893.

Mr. Springer
to the
Department of State.

Receipt of instructions numbers
855 to 859 inclusive.

No 2043.

U. S. Consulate General
Habana, November 4, 1873.

To the
Honorable
Assistant Secretary of State,
Washington,
D. C.

Sir:

I have the honor to acknowledge receipt of the Department's instructions numbers 855, 856, 857, 858 and 859, dated respectively October 21st, 23d, and last three October 24.

I am, Sir,
Very respectfully,
Your obedient Servant,
Joseph A. Springer
Vice Consul General.

No 2044.

U. S. Consulate General
Havana, Nov 7th 1893.

Mr. Springer
to the
Department of State.

Tonnage dues.

Complaint of Messrs Henry B. Hamel & Co. against charges made them by Custom House, of 25 cts per ton on all cargo landed, for Havana Harbor works.
Also of Messrs Lawton Bros.
4 Enclosures.

No. 2044.

U. S. Consulate General.
Havana, Novr 7th 1893.

To the
Honorable,
Assistant Secretary of State.
Washington:
D.C.

Sir:

With reference to the previous correspondence of this office with the Department of State, regarding the tax imposed on cargo under Royal Order of 2nd of June, last, for the Havana Harbor works, I have now the honor to transmit copy of a letter received from Messrs Henry R. Hasuel & Co, of this city, complaining that they have been compelled by the customs authorities of this port,

to deposit the amount of 25 cents per Ton, - now charged as "dock dues", - levied upon merchandise received to their consignment by American steamer "City of Alexandria", on 29th of October, last, before being allowed to remove their goods, and that they have paid said amount in deposit under protest.

They also state that this charge now made upon their merchandise, is a subterfuge for the former "unloading taxes", - "(derechos de carga y descarga") and is imposed under authority of a Royal Order dated Madrid, June 2nd, and published here July 19th; by the second paragraph of which is imposed the Tax of 25 cents per ton on all goods, whether American or not; also, the Royal Order, sent by cable, of October 14th, published 20th October,

2.

3.

modifying said second paragraph, all of which is clearly against what is specified in the Treaty in regard to American goods.

I also transmit copy of a letter upon the same subject, received today from Messrs Lawton Brs. 4/

I respectfully refer to dispatches numbers 1927. of July 14th; 1928 and 1930, of July 15th 1932, July 17th, and more recently, numbers 2024 and 2027, of October 16th and 18th; respectively, and awaiting instructions of the Department,

I am, very respectfully
Your obedient servant,

Joseph N. Springer.
Vice Consul General

4. Enclosures:

1 - Messrs Henry B. Kaunel & Co to Vice Consul Springer, Nov 4/.
2 - Royal Order June 2nd, and translation;
3 - do do of October 14th
4 - Messrs Lawton Bros to Vice Consul Springer, Nov 7-

Enclosure No.1.

With Dispatch No. 2044.

H A V A N A , November 7th,1893.

COPY.

HAVANA, November 4th,1893.

Joseph A.Springer, Esq:

U.S.Vice Consul General.

Havana.

Sir:

Upon clearing yesterday through the Custom House a lot of iron that came consigned to us by S.S."CITY of ALEXANDRIA",arrived on the 29th ultimo,we have been compelled by the Custom House authorities to deposit the amount charged as "dock dues",before extracting our goods; we deposited the amount under protest and upon doing so, we have found out that we are the only merchants of whom such an exaction is made,and we do not understand why this measure should be taken with us and not with every merchant. Now on the other side, and this is the principal part of the affair; this due is imposed by the Royal Order published in the "GAZETTE",of 19th of July last and dated in Madrid on June 2nd, by paragraph 2nd,to which we desire you to call the attention of the Department of State,as it is clearly imposing 25 cents per ton on all goods,whether American or not,and is against what is clearly specified in the Reciprocity Treaty in regard to American goods; also,the Royal Order of 14th of October, last,sent by cablegram and published the 20th October,

modifying same. The officials here pretend that such charge should be imposed on all goods that are passed over their wharf ; and if this is accepted by our Government, it is accepting a charge against the Treaty. - Using a subterfuge, this charge is imposed instead of what was called "derechos de carga y descarga", and understanding it so, we have deposited the amount charged, us, under protest, expecting that our Government will endeavor to have it taken off, and the deposit returned to us.

We submit what we think would be right, and this is: that all goods that that, after having been cleared by the Custom House, should be left on the wharf over 48 hours, by their consignees or owners, shall pay 25 cents per ton, for every day's detention.

Respectfully yours,

(Signed) HEN RY B. HAMEL & CO.

Enclosure No. 2.

With Dispatch No. 2044.

HAVANA, November 7th, 1893.

Obras públicas.

Por el Ministerio de Ultramar, con fecha 2 de Junio próximo pasado y bajo el número 1155, se comunica al Excmo. Sr. Gobernador general, la Real orden siguiente:

«Excmo. Sr.:—Examinadas las propuestas formuladas por la Junta de Obras del Puerto de la Habana y por la Cámara de Comercio de dicho Puerto y de conformidad con ellas; S. M. el Rey (q. D. g.) y en su nombre la Reina Regente del Reino, se ha servido disponer que á partir de primero de Julio próximo, se establezcan para atender á las Obras del Puerto de la Habana los arbitrios siguientes: 1.º Los consignatarios de todos los efectos, excepción hecha del carbón mineral, que sean conducidos á aquel Puerto en buques de altura ó travesía, cualquiera que sea su procedencia y el muelle en que verifique su descarga, bien los que están á cargo de la Junta ó en los de los particulares, pagarán 25 centavos por cada 1000 kilos que pasen por dichos muelles.—2º Los consignarios de los bultos que permanecieren en los muelles más de ocho días, después de puestos sobre ellos, pagarán diariamente desde el noveno día inclusive un recargo de 25 centavos por cada tonelada métrica, hasta que sean extraídos de los muelles.—3º Los buques de cabotaje y los que se dediquen al tráfico interior del Puerto, pagarán mensualmente con arreglo á la escala siguiente: Lanchas y botes hasta 50 toneladas, 2 pesos; de 50 á 100 toneladas, 3 pesos y de 101 toneladas en adelante, 4 pesos. Vapores de cabotaje, 20 pesos mensuales. Remolcadores y de tráfico interior, 10 pesos mensuales.—El percibo de estos arbitrios se hará por la Aduana de aquel Puerto, que hará entrega de ellos á la Junta y será auxiliada por empleados de ésta.—La Capitanía del Puerto prohibirá el movimiento y tráfico en el mismo á todo buque de cabotaje ó de tráfico interior del Puerto, cuyos dueños ó consignatarios no probasen, cuando lo exija la Junta, que están al corriente en el pago del arbitrio correspondiente, con arreglo á las precedentes reglas.»

Y dispuesto su cumplimiento por S. E. en 6 del que rije, de su orden se publica en la Gaceta para general conocimiento.

Habana, 11 de Julio de 1893.

El Secretario general,

Estanislao de Antonio.

Enclosure No. 2,

With Dispatch No. 2044.

H A V A N A , November 7th, 1893.

Copy-translation.

PUBLIC WORKS.

The following Royal Order, numbered 1155, is communicated to H.E. the Governor General, by the Ministry of the Colonies, under date of June 2nd, last,.

" Excellency: Having examined the proposals for-
"mulated by the Board of Harbor Works of the Port
"of HAVANA, and by the Chamber of Commerce of said
"Port, and in conformity therewith, H.M. the King,
"(Whom God save,) and in his name the Queen Regent
"of the Kingdom, has been pleased to order that from
"the first of July next, the following dues shall be
"levied for the use of the Havana Harbor Works.--
" 1.--The consignees of all merchandise, excepting
"coals, brought to this port in vessels from abroad,
"whatever may be its origin and the wharf on which
"it may be discharged, whether those under the con-
"trol of the Board, or others belonging to private
"parties, shall pay 25 cents for each 1,000 kilos,
"landed over the said wharves.-
" 2.-- The consignees of cargo left for more than
"eight days on the wharf, after having been landed
"thereon, shall pay daily, from the ninth day inclu-
"sive, an additional charge of 25 cents for each me-
"tric ton, till said cargo is taken away.--

" 3.-- Coastwise vessels and those engaged in harbor "traffic, shall pay monthly according to the follow- "ing rates: Schooners and lighters,

"of 50 tons, and less, . . .	$ 2.-monthly.
"of 50 to 100 tons, ...	" 3.- monthly.
"and from 101 tons upwards, . .	" 4.- monthly.

Steamers.

" Coastwise, ...	$ 20.- monthly
" Tug boats for harbor service,	" 10.- monthly

" The collection of thses dues will be made by the "Custom House of this Port, which will deliver them "to the Board and will be aided in their collection "by the officers of the said Board.

" The Office of the Captain of the Port will prohi- "bit all movement and traffic within the port to "every coasting or harbor trading vessel, whose own- "ers or consignees do not show whever so required "by the Board that they are up to date in the pay- "ment of the corresponding tax, according to the fore- "going regulations."-

And compliance therewith ordered by H.E. on the 6th instant, it is published in the "GAZETTE" for general intelligence.

HAVANA, July 11th, 1893.

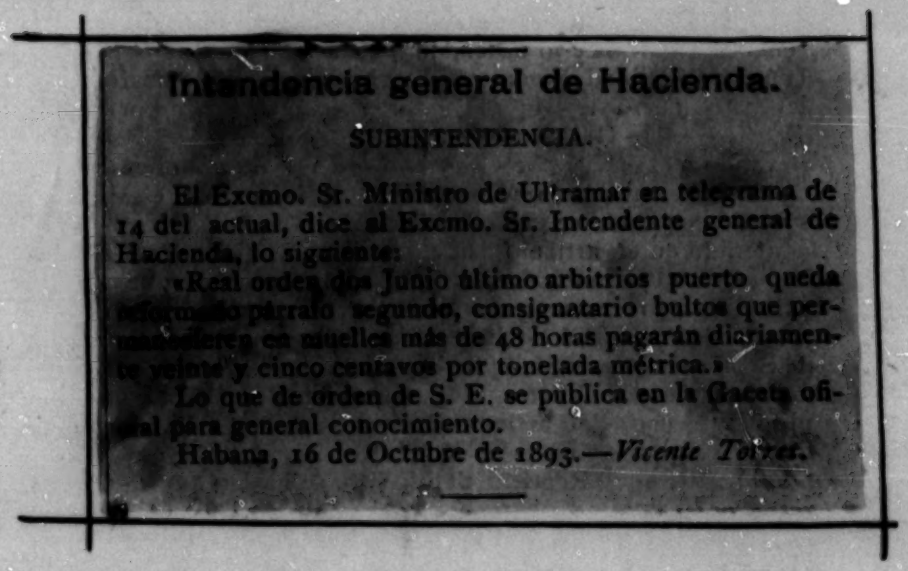
(Signed) Estanislao Antonio.

Secretary General.

Enclosure No. 3.

With Dispatch No. 2044.

HAVANA, November 7th, 1893.



Intendencia general de Hacienda.

SUBINTENDENCIA.

El Excmo. Sr. Ministro de Ultramar en telegrama de 14 del actual, dice al Excmo. Sr. Intendente general de Hacienda, lo siguiente:

«Real orden dos Junio último arbitrios puerto queda reformado párrafo segundo, consignatario bultos que permanezcan en muelles más de 48 horas pagarán diariamente veinte y cinco centavos por tonelada métrica.»

Lo que de orden de S. E. se publica en la Gaceta oficial para general conocimiento.

Habana, 16 de Octubre de 1893.—*Vicente Torres.*

Translation.

INTENDANCY GENERAL of FINANCE.

SUB-INTENDANCY.

H.E. the Minister of the Colonies in a telegram of the 14th instant, says to H.E. the Intendant general of Finance, the following:-

" Paragraph second of Royal Order of second of "June last on port dues, is thus amended: consignees "of goods remaining on the wharves longer than forty "eight hours, shall pay daily twenty five cents per "metric ton".--

Which by order of H.E. is published in the Official "GAZETTE" for general intelligence.

HAVANA, October 16th, 1893.

(Signed) Vicente Torres.

Enclosure No. 4.

With Dispatch No. 2044.

HAVANA, November 7th, 1893.

Copy.

HAVANA, November 7th, 1893.

Mr. Joseph A. Springer.

Vice Consul General of the United States.

at HAVANA.-

Sir:

On the 10th of July, last, we addressed a communication to the Consul General, complaining that we had been forced to pay several sums of money as duties, under the name of port dues, on Americam merchandise imported from the United States, and we now have to advise you that the customs authorities have continued to exact this tax, until already we have had to pay several hundreds of dollars. These duties we have paid on goods imported for our own account, as well as on shipments consigned to us by clients of ours in the United States, and who, like ourselves, are American citizens.

We claim that this collection of duties on American goods, such as flour, potatoes, corn, etc, is in direct opposition to the Reciprocity treaty now in force, and we beg that you will again call the attention of the goverhment at Washington, to the matter, to the end that collection may be prevented in future, and that there may be returned to us what has been wrongfully collected.

We remain, Sir, Yours truly,

(Signed) LAWTON BROS
p.p. George L. Childs.

No 2045.

U.S. Consulate General.
Havana. Nov 8 1893

Mr Springer
For the
Department of State

Duties on wire nails.

Case of embargo on property of
Messrs Henry Bohmer & Co. to
expend payment of said duties

---

2 Enclosures.

No 2045.

U. S. Consulate General.
Havana, Nov 8th 1893

To the
Honorable
Assistant Secretary of State
Washington
D C.

Sir:

With further reference to previus correspondence, and especially dispatch number 2040, of the 31st ultimo, I have now the honor to transmit copy of a letter from Messrs Henry B Hamel & Co, and also, of my communication to the Governor General, upon the same subject. 1. 2.

Very respectfully
Your Obedient servant,
James A Springer
Vice Consul General

Encs.

2 Enclosures:

1- Messrs Henry B Hamel & Co. to
Mr Springer, Nov 7/93

2. Mr Springer to the Governor
General, Nov 7 1893

Enclosure No. 1.

With Dispatch No. 2045.

H A V A N A , November 8th,1893.

Copy.

HAVANA, November 7th,1893.

Joseph A.Springer, Esq:

Vice Consul General of the United States,

HAVANA.

Sir:

It seems that the protest you handed to the Governor General about the collection from this firm of duties on wire nails has not been looked into,for at this moment an employee of the Custom House comes to notify me,as per the adjoining document,that if in the term of 48 hour we have not paid into the Custom House the amount claimed they will proceed to sell our senior partner's house,on which they levied an embargo. This as you will understand,requires an immediate action on your part,asking the Governor General to stop proceedings until the question of whether the nails are to pay or not i. decided; and we ask you to tell us if we are to accept the sale of that house or not.

Yours respectfully,

(Signed) Henry B.Hamel & CO.

Enclosure No.2.

With Dispatch No. 2 0 4 5.

H A V A N A , November 8th,1893.

Copy-translation.

U.S.CONSULATE GENERAL.

HAVANA, November 7th,1893.

To His Excellency

The Governor General of the Island of Cuba,

etc, etc,

Excellency:

With reference to the previous communications of this Consulate General,dated 17th and 31st ultimo,relating to the embargoes laid by order of the customs authorities of this port,upon merchandise belonging to the firm of Messrs HENRY B.HAMEL & CO, also upon a house the property of its senior partner,to respond to the payment of the duties imposed by the Custom House upon american wire nails to their consignment,in both of which said official communications Y.E.was asked to be pleased ,in exercise of your superior authority,to order the said embargoes to be raised and to suspend all further attachment proceedings by said authorities,until the matter presented in said communications should receive a decision,---

I have now to inform Y.E.that Messrs HENRY B.HAMEL & CO have just advised me,that an officer from the Custom House has notified them at two o'clock today,as ordered by Regulations they are allowed 48 hours wherein to make

their

their proposals or bids upon the sale of their embargoed property, and that they again protest against this proceeding and the abuse which they understand is made against their firm, whilst it is not yet decided that they owe anything to the Custom House for the aforesaid account.

It therefore becomes my duty, to again respectfully protest before Y.E. of the arbitrary proceedings on the part of the customs authorities, and to beg that Y.E. will be pleased to order what is conducive to suspend all further proceedings untill the point at issue shall be decided.

With the assurances of my most distinguished respect and consideration,

I am, Y.E.'s most obedient servant,

(Signed) Joseph A. Springer?

Vice Consul Heneral.

VLC J

No: 2046.

U.S. Consulate General.
Havana, Nov 9 1893.

Mr. Springer,
to the
Department of State.

Copy to Secty of Treasury Nov. 17

Loss of S.S. "City of Alexandria".

Messrs Hidalgo & Co, consignees present bills paid by them for board and lodging, clothing &c, for officers and crew; which are submitted to Treasury Department, through the Department of State.

Two Enclosures.

No: 2046.

U. S. Consulate General
Havana, Novr 9. 1893.

To the
Honorable
Assistant Secretary of State
Washington
D. C.

Sir:

With reference to my dispatch no 2042, of 4th instant, reporting the loss of American steamship "City of Alexandria", by fire, on the 1st instant and the saving of nearly all of the persons on board, - I have now to to inform the Department that I have received a letter from Messrs Hidalgo & Co, the consignees of said steamer, together with a number of bills paid by them, for board

1/.

and lodging and clothing furnished by their orders to the officers and crew of said burned steamer.

I have replied, that not quite certain that the said persons coned under the circumstances be considered as destitute seamen, and entitled to relief of subsistence, clothing and transportation at the expense of the United States, I must submit the matter to the Treasury, through the Department of State, for instructions regarding the payment of said amount.

2/

With respect to the transportation of said seamen, I have already advised the Fifth Auditor that I had indorsed on the order given for their passage by S.S. "Seneca", that the compensation for same was left

to the Treasury, noting the fact that the "Seneca" belonged to the same line as the lost steamer "City of Alexandria".

I am, Sir,

Very respectfully,

Your Obedient servant,

Joseph A. Springer

Fin Clerk

Inclosures.

1- Messrs Hidalgo & Co, to U.S. Consul General, Nov 6 '93;

2. Mr Springer to Messrs Hidalgo & Co, Nov 8 1893.

Enclosure No.1.

With Dispatch No. 2 0 4 6 .

H A V A N A , November 9th,1893.

Copy.----------

HAVANA, November 6th,1893.

To the U.S.Consul General,

Present.

Sir:

Enclosed please find bills paid by us for boarding, clothing, etc, of the 60 shipwrecked officers and sailors of the American S.S."CITY of ALEXANDRIA", amounting in all to $ 1,303.10(Thirteen hundred and three 10/100 dollars which we would like to be refunded of at your earliest convenience.

We are, Sir, Yours respectfully,

(Signed) Hidalgo & CO.

-----o-----

MEMORANDUM of expenses incurred attending shipwreck crew of S.S."CITY of ALEXANDRIA", up to their departure for New York on the 4th instant per S.S."SENECA".

Board(as per attached bill) . . .			$ 175.
Clothing, do do			"1,047.38
Shoes, do do, ...			" 193.80
1 lady's cape,	)		" 14.-
1 handkerchief,	)		
1 under shirt,	)	For the stewardess,	" 7.75
& ladies shoes,	)		" 5.25
		Spanish gold	$1,443.18
Exchange at 10 3/4 % P. equivalent in U.S.Cry			$1,303.10

Enclosure No.2.

With Dispatch No. 2 0 4 6.

H A V A N A , November 9th,1893.

Copy.

U.S.CONSULATE GENERAL.

H A B A N A , November 8th,1893

Messrs HIDALGO & CO.

HAVANA.

Dear Sirs:

I have to acknowledge the receipt of your letter of 6th instant, covering bills amounting to, Sp:Gold $1,443.18 or, with exchange at 10 3/4 % P., to U.S.Cry, ----$1,303.10 for the expenses of board and lodging, and clothing furnished by your orders to the officers and crew of the steamship "CITY of ALEXANDRIA", lost by burning on the ist instant, while on her trip from Matanzas to this port.

As I am not quite certain that these persons under the circumstances can all be considered as destitute seamen and entitled to receive relief from the U.S. of subsistence, clothing and transportation back to the United States, I must submit the said bills to the Treasury Department, through the Department of State, for instructions in regard to their payment.

I must advise you that in regard to the order for their transportation by S.S. "SENECA", to New York, furnished on the 4th instant, no agreement was made as to the

amount of compensation to be allowed the Steamer "SENECA" for their passage to New York, this matter being left to the decision of the Treasury Department, and so indorsed by me on the said order, with a note that the "SENECA" belonged to the same line as the lost "CITY of ALEXANDRIA

As soon as decision thereon is received, you will be promptly notified from this office.

Very respectfully, Your obedient servant,

(Signed) Joseph A. SPRINGER.

Vice Consul General.

No 2047.

U. S. Consulate General.
Havana, November 15 1893.

Mr. Springer
to the
Department of State

Case of embargo on property belonging to Messrs Henry B. Hamel & Co. for payment of duties on american wire nails; and order for sale of house belonging to Mr. Henry B. Hamel

3 enclosures.

No 2047.

U. S. Consulate General.
Havana. Nov 15 1893.

To the
Honorable
Assistant Secretary of State
Washington.
D.C.

Sir:

With reference to dispatches numbers 2,040, 2,044, and 2,045, of October 31st, November 7th and 8th, respecting the embargo levied by the custom house authorities on property belonging to Messrs Henry B. Hamel & Co, for payment of duties claimed on american wire nails to their consignment, and also for port dues, —
I have now the honor to transmit copies of further correspondence on the matter, 1/2

3/

and a copy of the order of the Collector of Customs, dated November 10th, published in the 'official "Gazette," of the 12th for the sale by public auction on the 28th instant, of the house belonging to Mr. Henry B. Hadnel, of said firm, attached for payment of import duties, Tonnage and port dues.

No answer having been received from the Governor General in reply to the offical communications of this consulate general on the subject, I called personally on H. E. on the morning of the 13th instant, to inquire the present state of the case. He sent for the Sub-Intendant of Finance to be present. I called the attention of the Governor General, to the fact that the communication of Consul General Williams of the 13th October, addressed to

him under special instructions
from the Department, upon the
subject of the duties claimed
upon american wire nails,
which had been the cause of
the embargo levied on Messrs
Hamel & Co's property, - had
as yet received no acknowl-
edgement. He explained
that the delay was due by
the case having had to
be referred to the Intendant
General of Finance, for a
consultative report, and that
the Intendant would at
once reply to the communi-
cations from this office, for
the Governor General had no
intervention in matters pertain-
ing to the Treasury -
(See Mr Williams dispatch No 2021, of
October 14th -) - Thereupon the
Sub-Intendant stated that
he could not delay nor order
the suspension of the attachment

proceedings, and that such must follow their regular course, according to the "Instruccion", or Regulations; further, that it was an indispensable condition in order to suspend the proceedings, to make a deposit of the amount claimed, I stated merely, that this would give rise to further protest, and withdrew.

Up to the present no reply has been received from the Intendant General, as promised.

I am, Sir,

Very respectfully

Your obedient servant

Joseph A. Springer

Actg Consul General.

3. Enclosures.

1- Mr Springer to Hamel & Co, nov 7;

2 - Messrs Hamel & Co to Mr Springer, Nov 11-

3- Copy of order of Collector for sale of house.

Enclosure No. 1.

With Dispatch No. 2 0 4 7.

H A V A N A , November 15th,1893.

Copy. U.S.CONSULATE GENERAL.

H A V A N A , November 7th,1893.

Messrs HENRY B.HAMEL & CO.

HAVANA.

Dear Sirs:

I have to acknowledge receipt of your letter of this date,to the effect that you are notified by an officer of the Custom House,that if within 48 hours you have not paid the duties claimed on american wire nails to your consignment,proceedings would be taken to sell your senior partner's house,on which an embargo has already been levied.

While this proceeding may be but a natural sequence to those already taken,and according to Regulations,it seems to show that the Governor General has not yet given orders to stop the attachment proceedings,as asked in my communication of the 30th ultimo, I have therefore again addressed him on the subject in similar terms,and urgently called his attention to the matter.

Very respectively,

Your obedient servant,

(Signed) Joseph A.Springer.

Vice Consul General.

Enclosure No. 2

With Dispatch No. 2047

H A V A N A ,,November 15th,1893.

Copy.

HAVANA, November 11th,1893

Joseph A.Springer, Esq:

U.S.Vice Consul General .

HAVANA.

Sir:

The Custom House of this port,as you will see by the accompanying document,is again pressing us for the payment of the 25 cent tonnage tax,which it pretends to collect upon merchandise which should enter free of all duties according to the Reciprocity Treaty in force, because comprised in Schedule A, and as there already exist in that Consulate General numerous complaints regarding these pretensions of the Custom House of this port,altogether contrary to what is agreed upon in said Treaty and expressed in Schedule A.,we again beg you to please inform the government at Washington,and the General Government of this Island,of this renewed complaint which we make against the customs authorities of Havana,— in order to settle the question and stop these exactions which may yet be the cause of commerce being obliged to suspend the importation of goods which by the Treaty enjoy exemption from duties.

Very truly yours,

(Signed) HENRY B.HAMEL & CO.

Enclosure No. 3.

With Dispatch No. 2047.

HAVANA, November 15th, 1893.

GACETA DE LA HABANA

Domingo 12 de Noviembre de 1893

Negociado de Recaudación.

Embargada la casa número 1, de la calle de Alejandro Ramírez, en el barrio de Villanueva, en esta ciudad, por adeu[illegible] toneladas y [illegible]. La [illegible] de dos pisos, de madera y tejas, á estilo americano, compuesta de colgadizo y sala anteriores, cuatro posesiones en la parte baja, iguales en la parte alta, con patio y demás anexidades, ocupando una parcela de terreno de dos mil trescientos sesenta y dos metros diez y seis centímetros cuadrados, medida regular, cuyos linderos constan en el expediente ejecutivo; y señalado el día 28 del corriente, para su remate, á la una de la tarde, en el despacho del Illmo. Sr. Administrador de dicha Aduana, bajo las siguientes condiciones:

Primera. Las proposiciones se harán precisamente por escrito, en pliego cerrado y en papel del sello doce, las que se admitirán desde la una á una y media de la tarde de dicho día, en que quedará definitivamente cerrado el acto, procediéndose á la apertura de los pliegos presentados.

Segunda. No se admitirán proposiciones que no cubran los dos tercios de su capitalización, ascendentes á cinco mil cuatrocientos [illegible] cuatro pesos veinte y ocho centavos oro, siendo [illegible] indispensable que los pliegos de proposiciones estén acompañados de la carta de pago que acredite el depósito en la caja de esta Aduana, del cinco por ciento del total de la capitalización.

Tercera. Que el importe del remate se entenderá precisamente en oro del cuño español, y que el dueño de la finca puede librar ésta, pagando el principal, recargos, y costas, hasta el momento de comenzar el remate.

Cuarta. Que caso de que se presentasen dos ó más proposiciones iguales, se abrirá puja á la llana, entre sus autores, durante quince minutos, adjudicándose á la mejor, y no admitiendo puja que baje de cinco pesos.

Quinta. Que una vez adjudicado el remate, queda obligado el rematador á ingresar en el acto, en la Caja de esta Aduana, el importe total del mismo, entregándosele, para su resguardo, certificación del ingreso.

Sexta. Que los títulos de dominio estarán de manifiesto en esta Oficina, y si no los facilitare el deudor, sustituirá su falta en la forma que previene la Ley Hipotecaria vigente; cuyos títulos de titulación suplirá el adjudicatario y se deducirán del precio del remate, sin que tenga derecho á exigir otros, ni reclamaciones sobre medidas ni ningún otro particular.

Séptima. Que si de la certificación de gravámenes, resulta tener algunos la casa en cuestión, se deducirán del precio del remate, debiendo, los que deseen hacer proposiciones, examinar el expediente en el despacho de esta Administración, todos los días hábiles hasta el del remate, de 12 á 4 de la tarde.

Habana, 10 de Noviembre de 1893.—El Administrador, *M. Zabalo.*

Modelo de proposiciones.

D. N. . . . N. . . . vecino de la calle de . . . número . . , enterado del anuncio y pliego de condiciones publicado en . . del día . . de . . , hace proposiciones por la casa número 1 de la calle de Alejandro Ramírez, por la cantidad de . . pesos oro del cuño español; obligándose á cumplir, aprobado que sea el remate á su favor, las condiciones expresadas en aquél.

[Fecha y firma.]

Enclosure No. 3.

With Dispatch No. 2047.

HAVANA, November 15th,1893.

Translation.

"OFFICIAL "GAZETTE""

HAVANA, Sunday, November 12th,1893.

BUREAU of COLLECTION of the REVENUE.

The dwelling house No.1. Alejandro Ramirez Street, in the Villanueva Ward of this city,being embargoed for the payment of import duties,tonnage tax and port dues, x x x x will be sold at public auction on the 28th instant at 1.P.M. at the Office of the Collector ,under the following conditions: ——

x x x x x

HAVANA, November 10th,1893.

J.M.ZABALO.

Collector of Customs.

No. 2048.

U. S. Consulate General
Havana, Nov 15 1893.

Mr. Springer
to the
Department of State.

Order published by Intendant General, to go into effect within 15. days, leaves ports of Havana and Baracoa, only, open for importation of crude petroleum

Two enclosures.

No. 2048.

U. S. Consulate General
Havana, Nov 15 1893.

To the
Honorable
Assistant Secretary of State
Washington.
D.C.

Sir:

I transmit herewith a copy of an order from the Intendant General of Finance, in compliance with a cablegram from the Minister of the Colonies, to go into effect within 15 days from its publication in the official "Gazette", by which the ports of Havana and Baracoa only, are open to the importation of crude petroleum, these ports being the nearest to the refineries established in the Island.

2/

I also transmit copy of a letter received from Messrs Will Brothers, of this city, who deal in petroleum and lubricating oils, who are of opinion that the foregoing restrictions to the importation of oils from the United States, from which they are exclusively imported, in addition to the exhorbitant duties collected by the customs authorities in defiance of the provisions of the Reciprocity Treaty, will, eventually, stop their importation into Cuba.

I am, Sir,

Very respectfully

Your Obedient Servant,

Leonard Springer.

Very Consul General

Enclosures:

1- Order of Intendente General

2- Will Bros to Mr Springer, Nov 14. 4

Enclosure No.1.

With Dispatch No. 2048.

H A V A N A , November 15th,1893.

Intendencia general de Hacienda.

Circular.

En cumplimiento de lo dispuesto por el Excmo. Sr. Ministro de Ultramar en cablegrama de doce del actual y con arreglo á lo dispuesto en el artículo 11 de la Ley de Presupuestos vigente, quedan habilitados únicamente los puertos de la Habana y Baracoa para la importación de petróleo crudo, como contiguos á las refinerías establecidas en esta isla; entendiéndose que esta disposición empezará á regir á los quince días de su publicación en la Gaceta.

Lo que se publica para general conocimiento.

Habana, 13 de Noviembre de 1893.—El Intendente general, *Antonio del Moral.*

Translation.

INTENDANCY GENERAL of FINANCE.

Circular.

In obedience to instructions of H.E. the Colonial Minister, in a cablegram of the 13th instant, and in accordance with what is provided in article 11 of the Law of Estimate, (appropriations,) in force, the ports of HAVANA and BARACOA are alone qualified for the importation of crude petroleum, as being the nearest to the refineries established in this Island; it being hereby understood that this order shall commence to take effect within 15 days from its publication in the "GAZETTE".

The foregoing is published for general intelligence.

HAVANA, November 13th, 1893.

(Signed) ANTONIO del MORAL.

Intendant General.

Enclosure No. 2

With Dispatch No. 2 0 4 8.

H A V A N A , November 15th,1893.

Copy.

HAVANA, November 14th,1893.

Joseph A.Springer, Esq:

U.S.Vice Consul General

H A V A N A .

Sir:

We beg to call your attention to a cablegr* from the Minister of the Colonies to the Intendente General de Hacienda,published in today's "DIARIO de la MARINA", and from which we gather that it is intended to close all the ports of the Island of Cuba to the importation of petroleum and lubricating oils,except Havana and Baracoa.

These articles are exclusively imported from the United States,and the above restrictions,in addition to the exhorbitant duties collected by custom authorities in defiance of the provisions of the Reciprocity Treaty between the United States and Spain,will,eventually,stop their importation in Cuba.

We remain, Sir, Your obedient servants,

(Signed) WILL HERMANOS.

No 2049.

ACK'D NOV. 27
COPY to Bowlker

U. S Consulate General
Havana, November 18 1893.

INDEX BUREAU
RECEIVED
NOV 24 93
DEPT OF STATE.

Mr. Springer
to the
Department of State

Loss of "City of Alexandria" -

Presentation of bills for expenses,
and also, an attempt made
to swindle the Consulate
General by false bills

---

6 Inclosures -

No: 2049

U. S. Consulate General
Havana, Nov 18 1893.

To the
Honorable
Assistant Secretary of State
Washington
D C.

Sir:

With reference to the loss of the S.S. "City of Alexandria", as reported in dispatches nos 2042 and 2046 of 4th and 6th instant, I have now the honor to transmit copy of a communication from the Municipal Alcalde, or Mayor, of Guanabacoa, in acknowledgement of a list sent him from this office, of the persons saved from the "Alexandria", and sent to New York on the 4th instant.

In this letter, the Alcalde

states that the expenses occasioned to the Municipality by the disaster to the "City of Alexandria", amounted to $225- without any expectation of the repayment of said sum; nor was anything payable to the employees of his office who cheerfully gave their services, and were amply repaid by the sense of duty fulfilled. A proper acknowledgement was made to this communication thanking him for the humane attentions given to the wrecked of the "Alexandria" by his office, and informing him that it would be my pleasure to report same to the Department of State.

2/ An attempt was made to swindle the Consulate, by a young man, who pretended to be employed in the Office of the Mayor of Guantanamo,

by presenting bills for small amounts for expenses of the wreck &c, made out on paper with the official headings of the "Detachment of the Civil Guard at Guanabo", and Alcalde's Office at Cojimar. The same attempt was made upon the consignees of the lost steamer, Messrs Hidalgo & Co. Having verbally notified the Alcalde of Guanabacoa of this fact, it occasioned his note of the 14th, stating that no one had been authorized to collect any amount from the Consulate, and to detain anyone who should present himself to me for that purpose. Nevertheless, the Captain of the Port has forwarded a bill of expenses defrayed by the Coast Guard at Bucuranao, which are principally against the ships, to which 3/ 4/5-

6/ I replied, that this office had no authority to pay any of the said expenses, and a copy of same would be forwarded to the Department of State, for its information and instructions thereto.

The fact of the attempt to swindle the Consulate, coming to the knowledge of the Regional Governor, he has ordered the Chief of Police to make an investigation into the matter.

I am, Sir,

Very respectfully

Your obedient servant,

Joseph A Springer

Vice Consul General

6. Enclosures:

No 1- Alcalde of Guanabacoa

to Mr Springer, Nov 10/93;

No 2. Mr Springer to the Alcalde of Guanabacoa.
" 3. note of Alcalde to Mr Springer;
" 4. Captain of the Port to Mr Springer,
" 5. Copy of account of expenses presented by Bacuranao coast-guard;
" 6 - Mr Springer, to the Captain of the Port.

Enclosure No. 2

With Dispatch No. 2049.

HAVANA, November 18th, 1893.

Copy-translation.

Office of the Municipal Alcalde of Guanabacoa

(seal) Alcaldia Municipal de Guanabacoa.

To the Vice Consul General of the United States,

HAVANA.

Sir:

I have received your polite communication, dated yesterday, in which you are pleased to transmit me a list of the persons saved from the steamer "CITY of ALEXANDRIA" and who were sent to New York by your Office on the 4th instant.

At the same time and in reply to the inquiry made me by the bearer of the said communication, I have the pleasure to inform you that the expenses which have been caused to this Municipality by the disaster of the "ALEXANDRIA", amount to . . . . . $ 225.-gold, without exacting or expecting the return of said sum, which has served to alleviate in some degree the unfortunate condition of the wrecked survivors, rescued in the neighborhood of the village of Cogimar and the Beach of Bacuranao, the last named place near to the scene of the catastrophe.

The foregoing statement made respecting the disbursements of the Municipality, is equally extensive to

the labors performed by the delegates of this office at said place, as the said officials are amply repaid by the satisfaction produced by duty fulfilled.-

God guard you many years.

GUANABACOA, November 10th, 1893.

(Signed) ENRIQUE GUIRAL.

Enclosure No. 2 —

With Dispatch No. 2049.

H A V A N A , November 18th, 1893.

Copy-translation.

U.S.CONSULATE GENERAL.

HAVANA, November 15th, 1893.

To the Municipal Alcalde of Guanabacoa.

Sir:

I have received your polite communication dated the loth instant, in which you state that the expenses caused to your office by reason of the disaster of the american steamer "CITY of ALEXANDRIA", amount to, -- $ 225.- gold, without exacting nor expecting the repayment of said sum which has served to alleviate and succor the persons rescued in the vicinity of Cogimar and the Bacuranao Beach; also that for the labors performed by the employees of your office, these are satisfied by the sense of a duty fulfilled.

In acknowledgeing the receipt of your polite communication it is a grateful duty for me to express the thanks of this Consulate General and of the Government of the United States, for the very humane services afforded by your office and its employees to the survivors of the Steamer "CITY of ALEXANDRIA", and to inform you that due report thereof shall be made to the Department of State of the United States.

God guard you many years.

(Signed) Joseph A. Springer.
Vice Consul General.

Enclosure No. 3

With Dispatch No. 2049.

H A V A N A , November 18th,1893.

Copy translation.

The Municipal Alcalde of GUANABACOA

presents his respects to

the U.S.Vice Consul General at HAVANA, and has the honor to inform him that he has seen the Sub-delegate of Marine of COJIMAR,who has stated to him that he has ordered no one to collect any amount whatsoever from that Conaulate, at the same time requesting him to send to this Alcaldia any person who may present himself to collect anything on account of the rescue of the wrecked persons of the S.S."ALEXANDRIA",for,as has already been stated,this Municipality resolved to pay all the expenses.

Don ENRIQUE GUIRAL presents to the U.S.Vice Consul General the assurance of his greatest consideration.

(Seal) GUANABACOA, November 14th,1893.

Enclosure No. 4.

With Dispatch No 2049.

H A V A N A , November 18th, 1893.

Copy-translation.

Military Commandancy of Marine.

Office of the Captain of the Port.

HAVANA.

The Sub-delegate of Marine, (coast guard) of Bacuranao, in a communication dated yesterday, says as follows.-

"Sir: I have the honor to tramsmit herewith, the "account of expenses defrayed by the undersigned, "by reason of the burning of the steamer "CITY of "ALEXANDRIA", which occurred on the night of the 1st "instant. Vouchers for these amounts, duly author- "ized , are in my hands and will be exhibited as "soon as ordered."--

Which I forward to you including the memorandum referred to, for such disposition thereof as you may deem proper.

God guard you many years.

HAVANA, November 15th, 1893.

(Signed) Jacobo Aleman.

To the (Vice) Consul General of the United States of America.

Enclosure No. 5

With Dispatch No. 2049.

H A V A N A , November 18th, 1893.

Copy-translation.

Statement of expenses made and paid by the Sub-delegation of Marine of BACURANAO, (Bacuranao Coast Guard,) from the 2nd instant, in the wreck of the American Steamer "CITY of ALEXANDRIA", burned between Boca Ciega and the Guanabo sea-shore, on the 1st November.

On the 2nd November, at 8.A.M. when the report of the Captain of above named steamer was made and 4 of the wrecked persons presented themselves in the village known as BARRERAS; -- for assistance, breakfast and dinner, and other food furnished them; according to Voucher NO.1	$ 10.-
For two horses for use of Sub-delegate and his clerk, from the date of the disaster until 10th instant, at the rate of $4. ; voucher no.2 & 3,	" 64.-
For hire of 4 horses for transportation of the persons wrecked, found in the Barreras Wood to the town; at $3. each, Voucher No.4;----	"12.-
For gratuity to the guide who brought an american from the village on the Beach to the town of Barreras; ---------- Voucher No. 5;--	" 4.-
Carry forward;	$ 90.-

Brought over;------- $ 90.-

----- For hire of 2 horses to take 2 of the wrecked from the mouth of Guanabo River to the town of Barreras; at $6. each; voucher no.6;-- " 12.-

----- For perdiems of 10 laborers for 4 days and nights, for the saving of the ship; leaving 2 of them on watch from 5th instant, to date, and said watch being still kept up, at $4.-Voucher Nos. 7/11 and Nos: 16 /20;---------- " 224.-

----- For 4 laborers who have been put on by the Alcalde de Mar of Guanabo, from the 2nd instant at 4$ per day and night; Vouchers 12/15.--- " 64.-

----- For meals for the wrecked persons transferred from Guanabo to Barreras, and board furnished from date of wreck to date, to the Guardia Civil assigned to the watch and ward of said steamer according to voucher No. ----- " 153.25

-----For extraordinary expenses, furnished by the Acting Sub-delegate; amounting to, ---------- " 20.-

Total amount; $ 563.25

NOTE: There still remain pending settlement the customary fees which correspond to the Depositary named; as also those of the respective Sub-delegate and Clerk.

BACURANAO, November 14th, 1893.

(Seal) (Signed) Jose Sanchez.

Enclosure No. 6.

With Dispatch No. 2049.

H A V A N A , November 18th,1893.

Copy -translation.

U.S.CONSULATE GENERAL.

HAVANA, November 17th,1893.

To the Captain of the Port.

Sir:

I have received your polite communication of the 15th instant,accompanying an account from the Sub-Delegacion de Marina,(coast guard,)of Bacuranao,for the expenses defrayed by that office on account of the burning of the american steamship "CITY of ALEXANDRIA".

In reply I have to inform you ,thath this Consulate General not being authorized to pay the sum of the expenses incurred,according to said memorandum,I have forwarded a copy of the same to the Department of State of the United States,for its knowledge,and instructions in regard thereto.

God guard you many years.

(Signed) Joseph A.Springer.

Vice Consul General.

No. 2050

U. S. Consulate General.
Havana, Nov 18 1893.

Mr. Springer
to the
Department of State

Fines upon "Ward" steamers

Property of Heraldo & Co embargoed for payment; protest of Governor General - and request to suspend proceedings

5 enclosures.

No. 2050.

U. S. Consulate General.
Havana, Nov 18 1893.

To the
Honorable
Assistant Secretary of State
Washington.
D. C.

Sir:

I transmit herewith copy of a letter received from Messrs Hidalgo & Co, consignees in this City, of the steamships of the "Ward" line, of New York, accompanying a list of fines 1/ 2/ imposed by the customs authorities of this port, on steamers of said line, amounting to $944. and stating that they had been threatened with legal proceedings; and also, copy of a letter from Mr. Federico de Zaldo, as a citizen of the 3/

United States, and one of the firm of Hidalgo & Co, stating that the Custom House had

4/ embargoed property of the concern for the purpose of selling it and applying proceeds to payment of said fines.

I had agreed with Mr. Lalds. to call upon the Intendente General at noon, in relation to these fines, and to ask a suspension of the proceedings against the firm, but a few minutes before, I received the telegram of the Department of State, to request the Governor
" General to suspend pro-
" ceedings against Hidalgo & Co
" for fines upon Ward's steamers
" pending representation at
" Madrid -

In obedience to these instructions, I at once addressed

5/ a communication to H. E. the

Governor General, which I delivered in his hands at 5 P.M. yesterday. His Excellency read the communication and remarked that it should have been sent to the Intendente General, before whom all such claims should come. I explained, that I was acting in obedience to direct instructions; and further, that this Consulate General had not yet received any acknowledgement or communication from the Intendentes' Office to the recent representations of this Consulate General. His Excellency called the attention of the Political Secretary, who was present, and said that the matter should receive immediate attention and be referred to the Intendente General.

I am, Sir.

Very Respectfully.

Your Obt Servant,

Joseph A Springer

Vice Consul General

over

5 Enclosures.

1 - Messrs Hidalgo & Co to
the U.S. Consul General
November 11th -

2 - List of Juries, in same;

3 - Mr. J. de Zaldo, to the
U.S Consul General, Nov 15th

4 - notice of embargo;

5 - Mr. Springer to the Governor
General, Nov 17 -

Enclosure No. 1.

With Dispatch No. 2 0 5 0.

H A V A N A , November 18th, 1893.

Copy.

HAVANA, November 11th, 1893.

To the UNITED STATES CONSUL GENERAL.

HAVANA.

Sir:

Herewith we hand you copy of fines imposed on several of the American steamers belonging to the "WARD LINE", of which we are agents here, and as the ejecutor de apremios has threatened us with legal proceedings in this matter, we beg to notify you of this fact, and at the same time you are requested to take the necessary steps near the Government in our behalf as customary.

We are, Sir,

Yours very respectfully,

(Signed) HIDALGO & CO.

Enclosure No. 2.

With Dispatch No. 2 0 5 0.

H A V A N A , November 18th, 1893.

Copy translation.

F I N E S upon M A S T E R S .

1.-- S.S."SENECA", from New York, April 10th, 1893.
for not stating, item 65 of manifest # 1063, the
weight of 25 cases of petroleum, --
entered as 773 kilos by Messrs ASTUY & CO; -- $ 10.-

2.---S.S."SENECA". New York. April 10.
for not stating, item 64 of manifest # 1063,
contents of certain packages, entered as hard-
ware, by Don J.A.ORTIZ; - - - - - " 10.-

3.---S.S."CITY of ALEXANDRIA", New York, May 6.-
for not stating, item 103 of manifest # 1165,
contents of 2 boxes and 1 cask, mark W.H.-
entered as hard-ware by URIARTE & SAN MARTIN;-- " 10.-

4.-- S.S."ORIZABA". New York. May 16.
for not stating, item 123 of manifest # 1204,
class of goods of 1 case & 1 bbl, mark F.L.
entered as varnished metal and glass, by
Messrs TRAFAGA & PUENTE; - - - " 10.-

5.---S.S."SARATOGA". New York. May 21.
for consigning to order, item 6 of manifest #1231,
8 pakkages empty bags, mark Bejucal,
entered for consumption by Manuel P.Perez. " 10

$ 50.-

Brought over$50.-

6.---S.S."SARATOGA". New York. May 24.

for after having correctly stated number of barrels, items 130,131,132,&133, of Manifest # 1231, adding a note, sanctioned by the Consul, "that of "the said lots, 900 bbls, more or less, were not shipped, and will come by next steamer"/--- " 10.-

7.---S.S "YUCATAN". New York. May 17.

for consigning to order, item 167, of manifest #1215, 1 bale hemp mark H indiamond, entered for consumption by Messrs BRIDAT, MONTROS & CO; " 10.-

8.---S.S."ORIZABA". New York. April 12.

for being short in discharge, manifest # 1071, 2 bbls beer, mark F.Barraque;) - - "100.-

9.---S.S."YUMURI". New York. May 22.

for being short in discharge, manifest # 983, 1 package sole leather, mark C.204 in diamond; 1 package goods, mark, C.104/91 in diamond, 1 seroon indigo, mark G.M. ------ $150.-

10.---S.S."ORIZABA". from Vera Cruz. April 28.

for not having stated in manifest #1111, gross weight 350 baskets garlic, entered by Messrs B. de CODES & CO, - - - - - "210.-

11.---S.S."NIAGARA". New York. June 26.

for having in excess of carg discharged, 100 boxes cheese, mark H.& CO., entered by Higgins & CO. - - - - - - - "304.-

carry forward, $ 834.-

brought over, $ 834.-

12.---S.S."SARATOGA". New Yrok. August 30

for not stating, item 118 of manifest # 188, the kind of goods contained in 42 packages, 45 cases and 4 crates, mark A.C. which were entered as velocipedes, hard-ware, oil and wooden handles, by Messrs URIARTE & SAN MARTIN. - - " 10.-

Total; $ 944.-

HAVANA, November 11, 1893.

HIDALGO & CO.

Enclosure No. 3.

With Dispatch no. 2050.

H A V A N A , November 18th,1893.

Copy.

HAVANA, November 15th,1893.

To the United States Consul General.

HAVANA.

I,FEDERICO de ZALDO, a citizen of the United States member of the firm of HIDALGO & CO, beg to state:-

That the Custom House authorities have embargoed the property of this concern with the object of disposing of it by public auction and keep the proceeds to cover certain alleged fines imposed on the American steamers of the "New York & Cuba Mail Co",; therefore,I beg to appeal that you kindly intervene with the Government to suspend proceedings.

For the last few years,periodically we have been obliged to trouble you about these matters,and your intervention has always resulted most efficient. The present fines,as you will note by enclosed list are for the same causes as in former occasions: for the use of vague words,etc. The largest fine of $304. is imposed for having the S.S."NIAGARA" landed 100 boxes of Cheese not manifested. This steamer sailed on the 22nd of June,and the next day we received a cable advising that this steamer had 100 boxes not manifested; :on the 24th,-- two days

before the arrival of the ship,-- we notified the Custom House authorities of the error, but nevertheless, the fine was imposed.

Thanking you in advance for your intervention,

I remain, Very respectfully yours,

(Signed) F.de ZALDO.

of HIDALGO & CO.

Enclosure No. 4.

With Dispatch No. 2050.

H A V A N A , November 18th,1893.

Copy translation.

ADMINISTRATION of CUSTOMS of the PORT of HAVANA.

BUREAU of COLLECTION of REVENUE.

In the proceedings af attachment followed against Messrs HIDALGO & CO,of this city, for the payment of $914.- amount due for fines imposed upon the American steamers,"NIAGARA","YUMURI","CITY of ALEXANDRIA","YUCATAN "ORIZABA","SARATOGA","and "SENECA",manifests numbers 354,983,165,1215,1143,1204,1071,188 1231,and 1063,the Collector of Customs,of this Custom House by decree of the 14th instant,has ordered the embargo on goods,propert,fruits,and rents,by virtue of which under this date and in accordance with Regulations,I have proceeded to levy upon and embargo in favor of the Governme nt,the steamboat,"GUILLERMO de ZALDO",of 41.64 tons ,belonging to Havana,register 1010,in use by said firm in Havana Bay,which I left as a deposit and at the disposal of the Treasury,reserving the right to appoint another Depositary,should it be necessary,and notifying them of their right to appoint an appraiser on their side within the period fixed by law.

Havana, November 15 1893.

The Commissioner,(Signed) R.M.RIVERON.

Enclosure No. 5-

With Dispatch No. 3050.

HAVANA, November 18th, 1893.

Copy-translation.

U.S.CONSULATE GENERAL.

HAVANA November 17th, 1893.

To His Excellency the Governor General

of the Island of Cuba, etc, etc

Excellency:

I have the honor to inform Y.E. that this consulate general has received a letter from Messrs HIDALGO & CO, consignees in this port, of the steamships of the WARD LINE, ("New York & Cuba Mail Steamship Co",) advising, that under date of the 11th instant, the Custom House of this port had imposed a number of fines upon the steamships of said line, from April last, amounting to $ 944.- and had notified them that it would proceed to collect them by judicial procedure; and that under date of 15th inst, I have received a complaint and protest from Mr. FEDERICO de ZALDO, as a citizen of the United States and a member of the said firm of HIDALGO & CO, to the effect that the customs authorities had already embargoed property of the firm, for the purpose of selling it at public auction and applying its products to the payment of said fines.

Without entering into any considerations upon the said fines, which are in every respect similar to others that have been imposed by the Custom House of this port,

upon the steamships of said line, and which has required the intervention of this consulate general near the superior authority, and in the former communications from this office have been given the reasons and the grounds for asking the suspension of the arbitrary proceedings of the customs authorities, whilst the corresponding claim is being made through the diplomatic channels to the Governemnt at Madrid;---I have now, in obedience to a telegraphic instruction received today from the Assistant Secretary of State of the United States, to respectfully solicit Your Excellency to be pleased to order to be suspended all the proceedings initiated and followed against Messrs HIDALGO & CO, as consignees of the aforesaid steamships, for payment of the fines imposed by the customs authorities of this port, pending the resolution of the matter presented to H.M's Government at Madrid.

I am, Your Excellency, etc, etc,

(Signed) JOSEPH A.SPRINGER.

Vice Consul General.

------o------

No. 2051.

U.S. Consulate General.
Havana. Nov 18th 1893.

Ans
12/16/93

Mr. Springer
to the
Department of State

Fine on SS "City of Washington" of $2.400. for over ii weight of 141 tons Card, as stated in manifest.

1 Enclosure.

No 2051.

U.S. Consulate General,
Havana, Nov 18 1893.

To the
Honorable
Assistant Secretary of State
Washington
D.C.

Sir:

With further reference to the fines imposed upon American steamships of the Ward Line, of New York, I accompany copy of a letter from Messrs Hidalgo & Co, agents of said line in this city, advising this office that the Custom House had imposed a fine of $2.400 upon the Am. s.s. "City of Washington" for an error in weight.

Very respectfully
Jno Ott Stewart
Deputy Consul General
Consul General

Enclosure
Messrs Hidalgo & Co to U.S. Consul General

Enclosure No. 1,

With Dispatch No. 2051.

HAVANA, November 18th,1893.

Copy. HAVANA, November 17th,1893.

To the United States Consul General,

HAVANA.

Sir:

We have just learned that the Collector of Customs has imposed a fine of $ 2,400.- to the Steamer "CITY of WASHINGTON", for the following reasons:

Bill of lading, in a most indistinct way, as you may see by the enclosed copy, called for 141 Tierces Lard, 25,900 kilos, while the manifest called for only 2,590, kilos having left out the cypher which in the Bill of lading could hardly be seen.

We hasten to notify you, in view of the continuance of the arbitrary proceedings of our Custom House authorities.

We remain Sir, Very respectfully yours,

(signed) HIDALGO & CO.

389R

TELEGRAM RECEIVED.

From Havana,

Nov 22, 1893.

Secretary of State, Received 3:40 P. M.

Washington D.C.

Communication regarding Oglesby was presented to Capstain General tenth November informed today Case will be transferred from Military jurisdiction to Guadeloupe district Court November twenty fourth

Springer,

Vice Consul General.

No. 2052.

U. S. Consulate General,
Havana, Nov 23 1893.

INDEX BUREAU
RECEIVED
NOV 28 93
DEPT OF STATE.

Copy of enclosure ctr 1 to Gov. of Florida, December 20-1893

Mr. Springer
to the
Department of State

Case of Peere C. Oglesby

arrested Oct 28. for alleged assault on military police.

ans'd + file'd to Dec 14

Enclosures.

Department of State,

CONSULAR BUREAU,

Dec 14, 1893.

Mr. Strobel—

The certificate of citizenship issued by Judge Hemp of Monroe Co. Florida to Oglesby, a copy of which is enclosed in this despatch is clearly in the nature of a passport & seems a distinct violation of Sec. 4078 R.S. Shall we bring the matter to the attention of the ~~Attorney General or~~ the Gov. of Florida?

W. Strain,
Ch. Bu.

Note & Gov. of Fla.

No: 2052.

U. S. Consulate General.
Havana, Noor 23 1893.

To the
Honorable
Assistant Secretary of State
Washington
D.C.

Sir:

I have the honor to acknowledge the receipt on the 21st instant, of a telegram from the Department of State, reading as follows:

" American Consul. Havana.
" Make prompt investigation
" Oglesby case - Cable result
" Strobel.

to which I replied on yesterday the 22nd instant, as follows:-

" Communication regarding
" Oglesby was presented
" to Captain General, touth

" November; informed today
" case will be transferred
" from military jurisdic-
" tion to Guadalupe District
" Court, November twenty
" fourth - Springer.
which I beg to confirm.

I also received yesterday the instruction of the Depart-ment, no. 861. of November 14, with copy of a letter from Mr. Oglesby, - to ascertain whether Mr. Oglesby is an American citizen, and if so, to investi-gate his case and report as soon as possible -

I now have the honor to make the following report regarding the circumstances of the arrest and detention in the prison of this city, of Mr. Peere C. Oglesby -

On the 26 or 27 October, last, Mr. Oglesby called at

this office, and asked to be registered as an American citizen, producing as evidence of his citizenship, a certificate issued by A. J. Kemp, County Judge, Monroe County, State of Florida, - of which I endose a copy. -

I informed him, that registration was not usual for persons who were to stay but a short time here, and the paper he held, although not a passport, would suffice to identify him in case of need, until such time as he was ready to leave the Island, when this office would give him a certificate in the usual form, which would require the visa of the Regional Governor before he could procure his passage ticket. He then asked for this certificate, stating that he intended

to remain here but a few days longer, and being in Spanish, would be better understood than the other paper he held, which I understood him to say, he already had had occasion to show to the police.

On the 28' October, I received a letter from him written in the city prison, to the effect that he had been arrested on the evening of the 27' and committed without trial on the afternoon of the 28th, sent from military headquarters. He also stated that he was not allowed to see an interpreter, and did not care to commit the facts of his case to paper, as he did not know who might read his letter.

2./

I immediately sent a clerk of this office to the prison, to see him and take his statement,

a copy of which I enclose,

The same day, a communication was received from the Court of Instruction of the Captaincy General of the Island, inquiring if Mr. P. C. Oglesby was an American citizen, to which I hastened to reply, that he was, as established by a document exhibited by him at this Consulate General, and his own statement; supposing, in view of the recent case of Henry Howard, the Government would not hesitate to transfer his case to the civil court competent to take cognizance of the charges, if any, against him.-

3/

4/

5-

A week passed, during which Mr. Sanchez Dolz, the Deputy Consul General, called at the military court quarters to see the military prosecutor in charge of the case, and I

also spoke to the Auditor de Guerra, or judge advocate General, being assured from day to date, that the case would be satisfactorily settled, and transferred to the civil jurisdiction.

Finally on the 10 instant, I addressed an official communication to the Governor Captain General, presenting the case to H. E. stating the circumstances of the arrest and imprisonment of Mr. Oglesby, and the fact that he was a citizen of the United States and ignorant of any cause for his detention. I referred to the communication presented by Consul General Williams to H. E. under date of August 14th, in the almost similar case of Henry Howard, referring to the fact, as reported to this office, that

6.

H.E. had been pleased to order the transfer of the case of Coward from the military to the civil jurisdiction, and therefore, I requested H.E. in the present case of Mr. Peore C. Oglesby, to inhibit, as in the case of Coward, in favor of the ordinary civil jurisdiction, the cognizance of the proceedings instituted against Oglesby by the Court of Instruction of the Captaincy General.-

With respect to the statement made by Mr. Oglesby contained in the Departments instruction, I beg to say that the clerk sent to him from this office, within an hour, after his arrival at the prison was Mr. Ernest L. Tosca, a Cuban by birth, but a citizen of the United States, who possesses

an unusually good knowledge of English, and who states that he conversed with Oglesby altogether in English, and took down his statement, as given in enclosure no 3 - If the remainder of his statement is as warped as this part, it must be considered a prejudiced statement.

I have heard it stated that Oglesby is addicted to taking morphine.

Should the Government transfer his case this week as promised, I will promptly advise the Department.

I am, Sir,

Very respectfully
Your Obedient Servant,

Fremont Stringer
Vice Consul General

6 - Enclosures.
No 1 - Certificate of Title

No 2 - Mr Oglesby to the Consul General, Oct 28 1893

" 3 - statement of Mr Oglesby made to Mr Forca, on Saturday. Oct 28. 2. P.M.

" 4 - Judge of Instruction to the Consul General, October 28 —

" 5 - Mr Springer to the Judge of Instruction. Oct 28 E

" 6 - Mr. Springer to the Captain General, November 10, E

Enclosure No. 1 _

With Despatch No. 2052.

H A V A N A , November 23rd 1893.

Copy.

UNITED STATES OF AMERICA

State of FLORIDA.

County of Monroe.

BY THIS PUBLIC INSTRUMENT BE IT KNOWN to all whom the same doth, or may in anywise concern that I, A.J.Kemp, County Judge, in and for said County, duly commissioned and sworn, and dwelling in the city of Key West, DO HEREBY CERTIFY that the bearer hereof P.C.OGLESBY, age 29 years, who has signed this certificate, has this day presented and produced to me, in due form of law, full and conclusive proof of his nationality and citizenship, as a citizen of the United States of America, and has otherwise fully and satisfactorily complied with the requirements established by the Department of State of the United States, to entitle said bearer to a United Statespassport.

This certificate is issued in proof of above facts.

(Signature of bearer) P.C.Oglesby,

In testimony whereof, I have subscribed my name and seal of office this 24 th day of October, 1893.

(Signed) A.J.Kemp,

SEAL of the COURT. County Judge.

Enclosure No. 2-

With Despatch No. 2052-

HAVANA, November 23d 1893.

Copy.

Real Carcel de la Habana.

Oct.28,1893.

To the Honorable Consul General of the United States.

Dear Sir:

The undersigned is an american citizen and is provided with a proper passport. He has also registered in your office.

I have al ways been a respectable man and have never committed crimes. I have been confined in this prison without trial and without being permitted to see an interpreter. As I dont know who may read this letter I dont care to commit the facts of the case to paper. Hoping that I may claim your good offices and honorable protection I am yours truly,

(Signed) Peere C.Oglesby.

P.S.- I was arrested on the evening of the 27 and committed without trial on the afternoon of the 28th I was sent from military headquarters to this prison.

Enclosure No. 3 -

With Despatch No. 2052 -

H A V A N A , November 28 - 1893.

Copy.

Peere C.Oglesby, canvasser for photographs, native of Georgia, declares that: he arrived here Wednesday October 25, by steamer "Whitney" from Key West; stopped the first night at hotel "Navarra"; Thursday night stopped at "La Campana"; that on Friday night at about 9 o'clock changed a five dollar gold piece at "El Cosmopolita" for silver, started out and asked a "pareja" of Orden Publico near the hotel "Inglaterra", — he believes, Nos.865 and 811, — for the hotel "Roma" in order to find out "La Campana"; the "pareja" took the money from his pocket, 6 or 8 dollars, and took him to the station house, then to another place (Vivac) where he passed the night under guard in the office on a bench, and next day he was sent to jail at about one o'clock. He was not informed of the cause of his arrest.

(Signed) P.C.Oglesby.

Saturday October 28, 1893. - 2 P.M.

The above statement was made to me and subscribed at the jail of this city at the time stated above, and subscribed by Mr.Oglesby.

(Signed) Ernesto L.Tosca,

Clerk at the U.S.Consulate General at Havana.

Enclosure No. 4-

With Despatch No. 2052.

H A V A N A , November 29 - 1893.

Translation.

SEAL of the Captainey General of the Island of Cuba.

Court of Instruction.-

City Marshal's Office. Headquarters at the Fort,

Proceedings being instituted by this Court against Mr.P.C.Oglesby,a native of the united States, twenty nine years of age,residing at the hotel Roma, for assault on the military police (agresion al Orden Publico),and at present detained in the jail of this city,I beg you will please inform this Court if the said individual is a citizen of the United States that it may thus appear in the proceedings.

God guard you many years.

Havana,Oct 28,1893.

The Judge of Instruction
(Signed) Ricardo Vazquez.

To the Consul General of the United States.

Present.

Enclosure No. 4

With Despatch No. 2052-

HAVANA, November 23 2 1893.

Copy.

Mayoria de la Plaza - Cuartel de la Fuerza.

Ilustrisimo Señor:

Hallándome instruyendo causa contra Don P.C.Oglesby,natural de los Estados Unidos,de 29 años de edad,y vecino del Hotel Roma,por agresion al Orden Publico y en la actualidad detenido en la carcel de esta ciudad,he de merecer de V.S.se sirva informar á este Juzgado si dicho individuo es subdito americano para constancia en autos.

Dios guarde á V.S.muchos años.

Habana,28 de Octubre de 1893.

El Juez Instructor. (Signed) Ricardo Vazquez

Ilmo.Sr.Consul Gral. de los Estados Unidos en esta capital.

Enclosure No. 5

With Despatch No. 2052.

H A V A N A , November 23rd 1893.

Translation.

U.S.Consulate General.

HAVANA.-

In answer to your polite communication of to-day, I have to inform you that it appears at this Consulate General from documentary evidence and from his own statement, that Mr.Peere C.Oglesby, is a native of the State of Georgia, of the United States.

God guard you many years.

Havana, October 28, 1893.

(Signed) Joseph A.Springer,

Vice Consul General.

To the Judge of Instruction, Mr.Ricardo Vazquez, City Marshal's Office.- Headquarters of the Fort.

Enclosure No. 5.—

With Despatch No. 2052.

H A V A N A , November 28 2 1893.

Copy.

Consulado General de
los Estados Unidos.-
HABANA.

En contestacion al atento oficio de V.S.fecha de hoy, tengo que manifestarle que segun consta en este Consulado General por documento y su propia declaracion, Mr.Peyre C.Oglesby es natural del Estado de Georgia, de los Estados Unidos.

Dios guarde a V.S.muchos años.

Habana, Oct.28, 1893.

(Signed) Joseph A.Springer,
Vice Consul General.

Sr.Juez Instructor, Don Ricardo Vazquez, Mayoria de la Plaza.- Cuartel de la Fuerza.

Enclosure No. 6 -

With Despatch No. 2052

HAVANA, November 28 d 1893.

Translation.

U.S.Consulate General.

Havana, November 10, 1893.

To H.E. the Governor Captain General of the

Island of Cuba.

Excellency:

I have the honor to present to Y.E.'s consideration the case of Mr. Peere C. Oglesby, a citizen of the United States, detained in the public jail of this city and subjected to the military jurisdiction, for proceedings instituted against him for an alleged assault on the military police (orden publico).

According to the statement made by the said Oglesby, he is a native of the State of Georgia, United States; arrived in this city on Wednesday the 25th last, on board of S.S. "Whitney", from Key west; the day of his arrival passed the night at the "Navarra" hotel; Thursday at "La Campana", and that about 9 o'clock in the evening of Friday the 27th, he exchanged a five dollar gold piece for silver in the "Cosmopolita", afterwards inquired of a couple of the military police (Orden Publico) near the "Inglaterra "hotel,

whose numbers were, as he remembered, 865 and 811, - the way to the "Roma" hotel, whence it was easy for him to reach "La Campana"; that the two soldiers arrested him, took away from him the money he had in his pockets, some 6 or 8 dollars, and then took him to the station house, thence to the "Vivac", (Police head-quarters) where he passed the night on a bench; and at 1 P.M. of the following day, the 28 October, was sent to the city prison.

That he is completely ignorant of the cause of his arrest, and appeals to this consulate general in order to obtain his release.

In reply to an official communication received from the Judge of the Court of Instruction, the Court was informed that it duly appeared in this office that the said Oglesby was a citizen of the United States.

In view of the same reasons set forth in an official communication of the Consul General, addressed to Y.E. under the date of 14th August last, in the almost similar case of Mr. Henry Howard ; in which was claimed the right, according to treaty between both countries; that his case "shall be made and prosecuted "by order and authority of law only, and according "to the regular course of proceedings usual in "such cases.", and whose case Y.E. was pleased

to order to be transferred from the military jurisdiction to the civil.

I have now, in the present case of Mr. Peere C. Oglesby, to ask Y.E., as in the case cited, to inhibit in favor of the ordinary civil jurisdiction, the cognizance of the proceedings instituted against Oglesby by the Court of Instruction of that Captainey General.

With the assurances of my high esteem and respect, I am, Your Excellency's most obedient servant,

(Signed) Joseph A. Springer,

Vice Consul General.

Enclosure No. 6,

With Despatch No. 2052,

H A V A N A ,November 28 — 1893.

Copy.

Consulado General de los
Estados Unidos .- Habana
Noviembre 10 de 1893.

Excmo.Sr.Gobernador Capitan General de la
Isla de Cuba.

Excmo.Señor:

Tengo el honor de presentar á la consideracion de V.E.el caso de Mr.Peere C.Oglesby,ciudadano de los Estados Unidos,detenido en la carcel de esta ciudad y sometido á la jurisdiccion militar,por causa que se le instruye por supuesta agresion al orden publico.

Segun lo manifestado por el citado Oglesby,es natural del Estado de Georgia,de los Estados Unidos; llegó á esta el Miercoles,25 del ppdo.en el vapor americano "Whitney",procedente de Cayo Hueso; el dia de su llegada pernoctó en el hotel "Navarra",el Jueves en"La Campana"; que sobre las nueve de la noche del Viernes 27,cambió un centen por plata en "El Cosmopolita",y despues pidió á una pareja de

Orden Público cerca del hotel "Inglaterra",- cuyos números segun recuerda eran 865 y 811,- le diesen la direccion del hotel "Roma", del cual le era facil llegar a "La Campana"; que la pareja le arrestó, le quitó el dinero que llevaba en sus bolsillos, unos 6 ú 8 pesos y lo llevó á la prevencion, luego al vivac donde pasó la noche sentado en un banco, y á la una del dia siguiente, el dia 28 de Octubre, fué remitido á la cárcel.

Ignora por completo la causa de su detencion y apela á este Consulado General á fin de obtener su libertad.

En contestacion á un oficio recibido del Sr. Juez del Juzgado de Instruccion, se le informó que constaba en esta oficina que el citado Oglesby era ciudadano de los Estados Unidos.

En vista de las mismas razones espuestas en una comunicacion del Sr. Consul General dirigida a V.E. con fecha 14 de Agosto ppdo., en el caso casi igual de Mr. Henry Howard reclamando el derecho segun los tratados entre ambos paises, de que "se proceda unica-
"mente por orden y autoridad de la justicia, y
"segun los trámites ordinarios seguidos en seme-
"jantes casos",-
y cuyo caso V.E. se sirvió mandar trasladar de la jurisdiccion militar á la civil.

Tengo ahora en el caso presente de Mr.Peere C. Oglesby, que solicitar de V.E.,- como en el caso citado,- se inhibiese a favor de la jurisdiccion ordinaria civil, del conocimiento de la causa instruida contra Oglesby por el Juzgado de Instruccion de esa Capitania General.

Con las seguridades de mi mas alta consideracion de V.E.ato. S.S.Q.B.S.M.

(Signed) Joseph A.Springer,

Vice Consul General.

No 2053.

U. S. Consulate General
Havana, Nov 23 1893

Original report sent to Bureau of Foreign Commerce Dec. 7

Mr. Springer
to the
Department of State

Report:
"upon hours of labor of government employees in other countries";
upon such in Cuba.

No 2055

U. S. Consulate General,
Havana, Nov 23 1893

Mr. Springer
to the
Department of State,

Case of Claim for duties
paid on American Coal at
Santiago de Cuba.

Copy to J. Moore
Dec 6

1 Enclosure,

No 2055.

U. S. Consulate General
Havana, Nov 23 1893

To the
Honorable
Assistant Secretary of State
Washington,
D. C.

Sir:

With reference to previous dispatches numbers 2008, of Sept 29, and 2035 of Oct 24 relating to the claim of Messrs Jellicks & Co. of New York, for return of duties collected at Santiago de Cuba, on American codfish, I now have the honor to enclose copy with translation of a communication from the Sub-Intendant of Finance, informing this Office that its official note of the 24 October, addressed to H. E. the Governor General, —

- which note had been presented in obedience to the Department's instruction, no 844. of Sept 16th —, had been transmitted to the Section of Arrears, as proceedings thereon appertained to that branch of the Intendancy General -

I am, Sir,
Very respectfully
Your Obt servant
Joseph A. Springer
Vice Consul General

Enclosure:
Copy of note of Sub. Intendant Flores, to Mr. Springer. Nov 21 -
& translation

Enclosure No. 1.

With Dispatch No. 2 0 5 4.

H A V A N A , November 23rd,1893.

Translation.

Office of the Intendancy General
of Finance, of the Island of Cuba.
Sub-Intendancy.

To the U.S.Consul General .
Havana.

Sir: In answer to your polite official note dated the 24th October last, in which you ask that the duties collected on two lots of codfish, of 50 drums each, imported by Messrs VILARET & CO, of Santiago de Cuba, on the 4th and 19th of December 1891, be returned to said parties, I have to inform you that your note has been forwarded to the Section of Arrears, as its procedure appertains to that branch of this office.

Which I take pleasure to inform you for your knowledge and in reply to your said note.

God guard you many years.

HAVANA, November 21st, 1893.

(Signed) V.TORRES.

Enclosure No. 1.

With Dispatch No. 2 0 5 4.

H A V A N A , November 23rd,1893.

Copy.

INTENDENCIA GENERAL de HACIENDA

de la YSLA de CUBA.-- Sub-Yntendencia.

Señor Consul General de los Estados Unidos ,en estaCaptl

La atenta carta oficial que V.S.se sirvió dirigir al Exmo.Sr.Gobernador General con fecha 24 de Octubre ultimo,pidiendo que le sean devueltos á los Sres VILARET y CIA,de Santiago de Cuba,los derechos cobrados á dos partidas de bacalao con 50 tabales cada una,importadas en 4 y 19 de Diciembre de 1891,ha sido enviada á la Seccion de Atrasos por corresponder su tramitacion á la misma.

Lo que tengo el gusto de manifestar á V.S.para su conocimiento y en contestacion á la citada carta .

Dios guarde á V.S.Muchos años.

HABANA, 21de Noviembre de 1893.

(Signed) V.TORRES.

No 205.

U.S. Consulate General
Havana, Nov. 25 1893

Mr. Springer
to the
Department of State

General acknowledgement
of Instructions.

No 2056.

U. S. Consulate General
Havana, Nov 25 1893

To the
Honorable
Assistant Secretary of State
Washington
D.C.

Sir:

I have the honor to acknowledge the receipt of instructions numbers 855. of Oct 21, to 864. of Nov 17- inclusive.

I am, Sir.
Very respectfully
Your Obt Servant
Fitzhugh Lee
Consul General.

No. 2057.

U.S. Consulate General.
Havana, Nov. 27, 1893.

Mr. Williams
to the
Department of State

Advising return from absence on leave.

No 2057

U.S. Consulate General
Havana, Nov 27 1893

To the
Honorable
Assistant Secretary of State
Washington
D.C.

Sir:

I have the honor to inform the Department that I returned yesterday November 26th from my visit to United States under leave of absence granted by instruction no 840, of Sept 9th, and have same date resumed charge of this office -

I have also to state that I sailed from Havana, Oct: 19th and arrived in New York Oct 24th and that I sailed from New York on my return, on November 22nd and arrived

Number 262

I am Sir.

Very Respectfully,

Your Obt Servant,

Ramon O. Williams

Quartermaster General

No. 2058.

U.S. Consulate General.
Havana, November 28, 1893.

Mr. Williams
to the
Department of State.

Protest against the Attachment of the house number 1, Alejandro Ramirez street, this city, belonging to Mr. Henry B. Hazard, a citizen of the United States, for alleged default in the payment of import duties and harbor charges on iron wire nails.

2 Enclosures.

No. 2058.

U. S. Consulate General.
Havana, November 28, 1893.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

With reference to the previous despatches of this office relating to the attachment of the house number 1, Alejandro Ramirez Street, this city, belonging to Mr. Henry B. Hamel, a citizen of the United States, for alleged default in the payment of import duties and harbor charges on the iron wire nails shipped to Messrs. Henry B. Hamel & C, by Messrs. H. R. Whitney & C, and subject of the Department's instructions

W.D.

Nos 845 and 859 of September 16th and October 24th, last, I have now the honor to enclose for its information a copy of the communication with translation, which I have delivered to-day into the hands of His Excellency the Governor General, protesting against the sale of the said house that was to have taken place at 1 P.M. this date, by order of the Collector of the Port. His Excellency promised me that my statements would be given immediate consideration and that an answer would be returned in due season. As soon as the letter is received a copy of it, with translation, will be transmitted at once to the Department. Awaiting the further instructions from the Department

I remain, Sir, with great respect,

Your obedient servant.

Ramon O. Williams,
Consul General.

2 Enclosures.

Enclosure No.1.

With Despatch No. 2058

H A V A N A , November 28, 1893.

Copy.

U.S.Consulate General.

HAVANA, November 27, 1893.

To His Excellency

the Governor General of the Island of Cuba.

Excellency:

On the 13th of last month, and in obedience to the explicit and special instructions of my Government, I had the honor to address Your Excellency an official communication complaining in its name, against the interpretation of the customs authorities of this port by which they have imposed duties on American iron nails shipped by Messrs. A.R. Whitney and Co. of New York, to the consignment of Messrs. Henry B. Hamel and Co., commission merchants of this city; because after a careful exmination of the samples of the nails in question it found them to accord with the representations of the shippers, Messrs. A.R. Whitney and Co.; that is, that they are cheap ordinary nails, differing essentially from the nails known as the French nails or "Puntas de Paris", expressed on page 87 of the Spanish Repertory; and that,

in consequence,my Government is of the opinion that these nails,received and entered at the custom house by Messrs.Henry B.Hamel and Co.,ought to be admitted free of all duties under paragraph 13 of schedule A, and not charged 50 per cent duty,under paragraph 51 of schedule C of the said Reciprocity Agreement; and furthermore,in the representation of the reasons of my Government to Your Excellency,I asked that Y.E. might be pleased to order,in their consideration and in the exercise of your superior authority,that the said wire nails of American manufacture,be admitted free of duty in conformity with paragraph 13 of schedule A; but that should Y.E.decide against this petition,that the reasons of your refusal might be communicated to this office for their transmission to and for the information of my Government.

No attention,however,has been given to these earnest and respectful observations,for no answer has been received to my said communication of the 13th ultimo presenting them to Your Excellency. On the contrary,instead of those observations having been listened to and examined,and replied to either affirmatively or negatively,for reference,in case of refusal,through the diplomatic channel to the Government of Madrid,as the Government of the United States has the right to expect, as the other party to

the Agreement, a notice dated the 10th of the present month, signed by the Collector of the port, has appeared in the official Gazette of this city, advertising the house number 1, Alejandro Ramirez street, the property of the senior partner of the firm of Messrs. Henry B.Hamel and Co., for sale at public auction on the 28th instant, to-morrow, for alleged default in the payment of the import duties and harbor charges on the very same nails which my Government believes to be free of import duties, under paragraph 13 of schedule A, of the Reciprocity Agreement between Spain and the United States.

In consequence, I have most respectfully to protest before Y.E., against this act of the said customs authorities for the following reasons:

First: Because of the disregard of the said authorities towards the respectful and earnest reclamation of the Government of the United States, as transmitted to Y.E. in my unanswered communication of the 13th of last month on this subject.

Second: Because depriving the Government of the United States of the right of obtaining a final settlement of the matter in dispute through its diplomatic channel with the Government of Madrid.

Third: Because the customs regulations of this

Island on which the said officials have found their sentence ex parte against Messrs. Henry B.Hamel and Co., cannot authorize them to subrogate the treaty between Spain and the United States without incurring in an infraction of the international law.

Fourth: Because the procedure of the customs officials constitutes a violation of article 7 of the treaty of the 27th of October,1795,between the United States and Spain,which requires that in all cases of seizure,detention or arrest of the citizens and subjects of the contracting parties,for debts contracted or offenses committed within their respective jurisdictions,such cases shall be tried by the courts of each country,for as it expresses:

"The same shall be prosecuted by order and "authority of law only,and according to the regular "course of proceedings usual in such cases. "The citizens and subjects of both parties shall "be allowed to employ such advocates,solicitors, "notaries,agents and factors as they may judge "proper,in all their trials at law, in which "they may be concerned,before the tribunals of "the other party; and such agents shall have "free access to be present at the proceedings "in such causes,and at the taking of all examination "and evidence which may be exhibited in the

"said trials". And in this sense was made the Martos-Sickles agreement of the 12th of February of 1871 for the settlement of the claims of citizens of the United States on account of wrongs and injuries committed at that time by the authorities of Spain in this Island. But these rights of defense, secured to the citizens of the United States by the said treaty, have been completely denied by the customs officials of this port in their proceedings against the property of the senior partner of Messrs. Henry B.Hamel and Co., for they have neither been brought up before any court of ordinary jurisdiction, nor given the opportunity to defend themselves by means of advocates, solicitors, notaries or agents to which they have the right on an equality with subjects of Spain in the United States, in virtue of the aforementioned article 7 of the treaty of 1795 between Spain and the United States.

I have, therefore, to ask that Your Excellency may be pleased to order the suspension of the sale of said house at public auction, announced in the official Gazette, which I accompany, as also the suspension of all other proceedings in the case, till both Governments agree if the nails in question have to pay import duties or not under the stipulations of the Reciprocity Agreement.

And in conclusion, I beg that this Consulate General may be informed of the decision of Y.E. for its transmission in due season to my Government.

I have the honor to be, with the greatest respect, Your Excellency's obedient servant,

(Signed) Ramon O. Williams,

Consul General.

Enclosure No. 1.

With Despatch No. 2058.

H A V A N A , November 28, 1893.

Copy.

Consulado General

de los Estados Unidos.

HABANA, Noviembre 27 de 1893.

Excmo. Sr. Gobernador General

de la Isla de Cuba.

Excmo. Señor:

Con fecha 13 del mes ppdo., obedeciendo instrucciones explícitas y especiales de mi Gobierno, tuve el honor de dirigir á V.E. una comunicacion oficial, quejándome en su nombre contra la interpretacion de las autoridades de la aduana de este puerto por la cual han impuesto derechos sobre los clavos de hierro americanos embarcados por los Sres. A.R. Whitney y Ca., de Nueva York, á la consignacion de los Sres. Henry B. Hamel y Ca., comerciantes comisionistas de esta ciudad; por cuanto despues de un minucioso exámen de las muestras de los clavos en cuestion los hallo de acuerdo con las representaciones de los embarcadores, Sres. A.R. Whitney y Ca., es decir, que son clavos baratos ordinarios, diferenciándose esencialmente de los clavos conocidos por los Franceses ó "Puntas de Paris", expresados en la página 87 del Repertorio Español; y que siendo, por consiguiente, los mismos recibidos y

entrados en la aduana por los Sres.Henry B.Hamel y Ca.debieran admitirse libres de derechos bajo el párrafo 13,tabla A,y no cobrárseles 50 por ciento de derechos bajo el párrafo 51,tabla C del propio Convenio de Reciprocidad. Además,al presentar las razones de mi Gobierno á la consideracion de V.E., pedí que tuviese V.E.á bien ordenar,en el ejercicio de su superior autoridad,que dichos clavos de alambre de hierro de manufactura americana fuesen admitidos libres de derechos de conformidad con el párrafo 13 de la tabla A; y que en caso de resolver V.E. contra esta solicitud,que las razones en que fundara su negativa se comunicasen á esta oficina para su traslado y conocimiento de mi Gobierno.

No obstante,ninguna atencion ha sido prestada a las encarecidas y respetuosas observaciones de mi Gobierno; pues no se ha recibido contestacion á mi referida comunicacion del 13 del pasado en que las presentaba á V.E. Al contrario,en vez de haberse atendido y examinado estas observaciones,y de contestarlas afirmativa ó negativamente,para su referencia, en caso negativo,por la via diplomática al Gobierno de Madrid,como tiene derecho el Gobierno de los Estados Unidos por ser una de las partes del Convenio, apareció con fecha 10 del corriente en la Gaceta oficial de esta capital un aviso firmado por el Sr.Administrador de la Aduana de este puerto anunciando para mañana dia 28 la venta en publica subasta de la casa

numero 1 calle de Alejandro Ramirez de esta ciudad, de la propiedad del socio gerente de la sociedad de los Sres.Henry B.Hamel y Ca.,por alegarse falta del pago de derechos de importacion y de puerto sobre estos mismos clavos,que mi Gobierno considera libres de derechos de importacion bajo el párrafo 13 de la tabla A del Convenio de Reciprocidad entre España y los Estados Unidos..

Por consiguiente,me veo en el caso de protestar con el mayor respeto,ante V.E.,contra este acto de los referidos Señores funcionarios de aduana por las razones siguientes:

Primera: Por la desatencion de dichos Sres. funcionarios á la respetuosa y encarecida reclamacion del Gobierno de los Estados Unidos,segun se trasmitió á V.E.en mi comunicacion del 13 del pasado,que no ha obtenido respuesta.

Segunda: Por privar al Gobierno de los Estados Unidos del derecho de obtener un arreglo final del asunto en disputa por la via diplomática con el Gobierno de Madrid.

Tercera: Porque las Ordenanzas de Aduana de la Isla de Cuba en que los Sres.funcionarios fundan su fallo ex parte contra los Sres.Hamel y Ca,no puede autorizarles á subrogar el tratado entre España y los Estados Unidos sin que incurran en una infraccion de

las leyes internacionales.

Cuarta: Porque el proceder de los Sres.funcionarios de aduana constituye una violacion del artículo 7 del tratado de 27 de Octubre de 1795,entre los Estados Unidos y España,el cual requiere que en todo caso de aprehension,detencion ó arresto de ciudadanos y súbditos de las partes contratantes por deudas contraidas ú ofensas cometidas dentro de sus respectivas jurisdicciones,sean juzgados por los tribunales de cada pais; pues segun en él se expresa:

"únicamente se procederá por orden y au-
"toridad de la Justicia,y segun los trámites
"ordinarios seguidos en semejantes casos.
"Se permitira á los ciudadanos y súbditos de
"ambas partes emplear los abogados,procura-
"dores,notarios,agentes o factores que juz-
"guen mas á propósito en todos sus asuntos
"y en todos los pleitos que podrán tener en
"los tribunales de la otra parte,á los cuales
"se permitirá igualmente el tener libre acce-
so en las causas,y estar presentes á todo
"examen y testimonios que podran ocurrir en
"los pleitos".

Y en este sentido fué protocolado el Convenio Martos-Sickles del 12 de Febrero de 1871 para el arreglo

de las reclamaciones de ciudadanos de los Estados Unidos por los daños y perjuicios cometidos á esa sazon por las autoridades de España en esta Isla. Mas, estos derechos de defensa ante los tribunales de esta Isla asegurados á los ciudadanos americanos por dicho tratado, han sido completamente negados por los Sres. funcionarios de aduana de este puerto en su procedimiento, contra la propiedad del socio gerente de los Sres. Henry B. Hamel y Ca.; pues ni han sido llevados á ningun tribunal de jurisdiccion ordinaria, ni se les ha dado oportunidad de defenderse por medio de abogados, procuradores, notarios ó agentes á que tienen derecho al igual que gozan los subditos españoles en los Estados Unidos en virtud del citado artículo 7 del tratado de 1795 entre España y los Estados Unidos.

Por lo tanto, tengo que pedir á V.E. se sirva ordenar la suspension del remate de dicha casa, anunciado en la Gaceta oficial, que acompaño, asi como la suspension de todo otro procedimiento en el caso, hasta que acuerden ambos Gobiernos si los clavos en cuestion han de pagar ó no derechos de importacion bajo las estipulaciones del Convenio de Reciprocidad.

Y en conclusion, suplico se informe á este Consulado General de la resolucion de V.E., para poderla

comunicar oportunamente a mi Gobierno.

Tengo el honor de ser de V.E.,con el mayor respeto,de V.E.ato.s.s.q.b.s.m.

(Signed) Ramon O.Williams,

Consul General.

Enclosure No 2.
With Despatch No. 2058.
Havana, Nov. 28th 1893.

GACETA DE LA HABANA

Domingo 12 de Noviembre de 1893

ADUANA DE LA HABANA.

Negociado de Recaudación.

Embargada la casa número 1, de la calle de Alejandro Ramirez, en el barrio de Villanueva, en esta ciudad, por adeudos de derechos de importación é impuestos de toneladas y uso de Puerto. Esta casa es construída de dos pisos, de madera y tejas, á estilo americano, compuesta de colgadizo y sala anteriores, cuatro posesiones en la parte baja, iguales en la parte alta, con patio y demás anexidades, ocupando una parcela de terreno de dos mil trescientos sesenta y dos metros diez y seis centímetros cuadrados, medida regular, cuyos linderos constan en el expediente ejecutivo; y señalado el día 28 del corriente, para su remate, á la una de la tarde, en el despacho del Illmo. Sr. Administrador de dicha Aduana, bajo las siguientes condiciones:

Primera. Las proposiciones se harán precisamente por escrito, en pliego cerrado y en papel del sello doce, las que se admitirán desde la una á una y media de la tarde de dicho día, en que quedará definitivamente cerrado el acto, procediéndose á la apertura de los pliegos presentados.

Segunda. No se admitirán proposiciones que no cubran los dos tercios de su capitalización, ascendentes á cinco mil cuatrocientos sesenta y cuatro pesos veinte y ocho centavos oro, siendo condición indispensable que los pliegos de proposiciones estén acompañados de la carta de pago que acredite el depósito en la caja de esta Aduana, del cinco por ciento del total de la capitalización.

Tercera. Que el importe del remate se entenderá precisamente en oro del cuño español, y que el dueño de la finca puede librar ésta, pagando el principal, recargos, y costas, hasta el momento de comenzar el remate.

Cuarta. Que caso de que se presentasen dos ó más proposiciones iguales, se abrirá puja á la llana, entre sus autores, durante quince minutos, adjudicándose á la mejor, y no admitiendo puja que baje de cinco pesos.

Quinta. Que una vez adjudicado el remate, queda obligado el rematador á ingresar en el acto, en la Caja de esta Aduana, el importe total del mismo, entregándosele, para su resguardo, certificación del ingreso.

Sexta. Que los títulos de dominio estarán de manifiesto en esta Oficina, y si no los facilitare el deudor, sustituirá su falta en la forma que previene la Ley Hipotecaria vigente; cuyos títulos de titulación suplirá el adjudicatario y se deducirán del precio del remate, sin que tenga derecho á exigir otros, ni reclamaciones sobre medidas ni ningún otro particular.

Séptima. Que si de la certificación de gravámenes, resulta tener algunos la casa en cuestión, se deducirán del precio del remate, debiendo, los que deseen hacer proposiciones, examinar el expediente en el despacho de esta Administración, todos los días hábiles hasta el del remate, de 12 á 4 de la tarde.

Habana, 10 de Noviembre de 1893.—El Administrador, *M. Zabalo.*

Modelo de proposiciones.

D. N. . . . N. . . . vecino de la calle de . . . número . . , enterado del anuncio y pliego de condiciones publicado en . . del día . . de . . , hace proposiciones por la casa número 1 de la calle de Alejandro Ramírez, por la cantidad de . . pesos oro del cuño español; obligándose á cumplir, aprobado que sea el remate á su favor, las condiciones expresadas en aquél.

[Fecha y firma.]

No. 2059.

U.S. Consulate General,
Havana, Nov. 28, 1893.

Mr. Williams

to the

Department of State.

Case of Peere C. Oglesby.

---

1 Enclosure

No. 2059.

U.S. Consulate General.
Havana, Nov. 28th, 1898.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir.

In continuation of despatch no. 2052 in relation to the arrest of Mr. P.C. Oglesby, a citizen of the United States, subjected to trial by the military jurisdiction, I now have the honor to enclose you a copy and translation of the communication, dated the 24th ultimo, received from H.E. the Governor General, in which he informs this office of having inhibited the cognizance of this case by a military court, and of returning it to the Guadalupe

District from which it emanated

I am, Sir,

Very respectfully,

Your obt. servant,

Jam[illegible] O. Wilson[illegible],

Colonial Secretary.

1 Enclosure:

No. 1 - Copy and translation of communication from the Governor General, referred to. - Nos 21 & 22

1

Enclosure No.1.

with Despatch No.2059.

H A V A N A , Nov.28,1893.

Translation.

Captaincy General of the ever faithful Island of Cuba.

Office of the General Staff.

To the Consul General of the United States ,

Havana.

Sir:

I have the honor to transmit to you in answer to your attentive communication of the 10th instant, the following note, which I have under this date addressed the Judge of First Instance and of Instruction of the Guadalupe District of this city:

"In conformity with the decision of my de-
"cree of this date, reported upon by the Judge
"Advocate, which accompanies the proceedings, and
"for the ends which you may deem pf justice,
"I have the honor to return you, not accepting
"its cognizance, the cause instituted against
"the United States citizen, P.C.Oglesby, for agression
"to agents of the authorities; expecting you
"will be pleased to acknowledge receipt of
"same."

God guard you many years.

HAVANA, 24 November, 1893.

(Signed) EMILIO CALLEJA.

Enclosure No. 1.

With Despatch No. 2059.

H A V A N A , November 28, 1893.

Copy.

Capitania General de la siempre fiel Isla de Cuba.

Estado Mayor.

Excmo.Señor:

Con esta fecha digo al Sr.Juez de Primera Instancia y de Instruccion del Distrito de Guadalupe de esta ciudad lo que sigue:

"De acuerdo con lo resuelto en mi decreto "auditoriado de esta fecha, que corre unido á au- "tos y para los fines que V.S.estime de justi- "cia, tengo el honor de devolverle sin aceptar "su conocimiento por las razones expresadas, la "causa que ha instruido contra el súbdito de los "Estados Unidos de America, P.C.Oglesby, por aten- "tado á agentes de la autoridad; esperando de su "atencion se sirva darme aviso de su recibo".

Tengo el honor de trasladar á V.E.el citado escrito, para su noticia y en contestacion á su atento escrito de 10 del actual.

Dios guarde á V.S.muchos años.

HABANA, 24 de Noviembre de 1893.

(Signed) Emilio Calleja.

Excmo.Sr.Consul Gral. de los Estados Unidos de America.

Habana.

Mr.

TELEGRAM RECEIVED. in Cipher

From Havana

Nov 29, 1893.

Secretary of State

Received M.

Washington D.C.

Telegraphic instructions not yet received by Governor General from Minister for the Colonies to suspend sale Hamels House subject of the Department of State telegram seventeenth instant. Please repeat request to Legation

Williams
Consul General

Seen by Mr Strobel.
Telegram sent Legation Madrid

Con. N.

No. 2060.

U.S. Consulate General,
Havana, Nov. 29, 1893.

Ack'd Dec. 23. 1893

INDEX BUREAU
RECEIVED
DEC 4 93
DEP'T OF STATE.

Mr. Williams
to the
Department of State.

Forwarding two copies of
Spanish Repertory.

One copy with F. & A. S.
2d copy sent to Penn. & Del.
Oil Co. N.Y. Jan. 29
~~to be returned~~

No. 2060.

U. S. Consulate General.
Havana, Nov. 29, 1893.

Honorable
Assistant Secretary of State,
Washington,
D.C.

Sir:

I beg to enclose two copies of the Spanish Repertory in pamphlet form, as published in the "Official Gazette" of this city on the 25th, 26th and 28th February, 1893; requested by the Honorable Third Assistant Secretary of State, on my late visit to the Department.

I am, Sir,
Very respectfully,
Your obt. servant,
Lamm O. Williams,
Consul General.